The Signalman's Journal

Volume 75, Number 6 *December 1994*

IN THIS ISSUE:

National Bargaining Begins - Page 13
FRA Forms Advisory Committee - Page 17
Merger Mania Returns To Rail Industry - Page 19
Drug & Alcohol Testing Procedures Revised - Page 26
Federal Grade Crossing Safety Regulations - Special Insert

2651C
P F RHOADS
4015 FRIEDENSBURG RD
OLEY PA 19547-8714

WHAT MILLIONS OF CHILDREN RELY ON TO HELP THEM

BREATHE

Every year, funds raised from Christmas Seal donations help millions of kids with lung disease and other breathing problems. Today, lung disease is the third leading cause of death in America, and breathing problems are the leading cause of death in infants.

So please look out for the 1994 Christmas Seals® in your mailbox. Or call 1-800-LUNG-USA if you'd like to learn more. Because only with your help will we all be able to breathe a little easier.

AMERICAN LUNG ASSOCIATION®

When you can't breathe, nothing else matters®

The Signalman's Journal

Official Publication of the Brotherhood of Railroad Signalmen

Volume 75, Number 6 **December 1994**

DIRECTORY

NATIONAL HEADQUARTERS:
601 West Golf Road, Box U
Mount Prospect, IL 60056-9048
(708) 439-3732 Fax: (708) 439-3743

W.D. Pickett, President
R. R. Foley, Secretary-Treasurer
C. A. McGraw, Vice President - National Railroad Adjustment Board
J. P. Finn, Vice President - Grand Lodge
G. A. Gavalla, Director of Research
J. L. Mattingly, Grand Lodge Representative & Publications Editor
T. J. DePaepe, Grand Lodge Representative

W.A. Radziewicz, Vice President—Northeast
D. M. Boston, National Legislative Rep.
400 North Capitol St., N.W., Suite 857
Washington, D.C. 20001 (202) 628-5935

F.E. Mason, Vice President—Southeast
19600 Highway 73, Lake Norman Plaza
Davidson, NC 28036 (704) 892-6053

J.L. Barton, Vice President—Midwest
Box U, Mount Prospect, IL 60056-9048
(708) 439-3732

V. Van Artsdalen, Vice President—West
607 10th Street, Suite 102
Golden, CO 80401 (303) 278-0507

BOARD OF TRUSTEES:
C.R. Vaught, Chairman
420 Coldstream Dr., P.O. Box 1548
Danville, KY 40422 (606) 236-4840

G.E. Jones, Secretary
P.O. Box 610
Spanish Fork, UT 84660 (801) 798-8368

W.R. Saar Jr., Member
36 Newport Road
Island Park, NY 11558 (516) 897-2674

OFFICERS EMERITUS:
R.T. Bates, President Emeritus
32 Calle Frambuesa
Green Valley, AZ 85614

W.D. Best, Secretary-Treasurer Emeritus
642F Burgundy Court
Elk Grove Village, IL 60007

C.J. Chamberlain, President Emeritus
740 Saint Andrews Lane #33
Crystal Lake, IL 60014

Features:

10. T.J. DePaepe Appointed Grand Lodge Rep.
11. General Chairmen Training/Meeting
13. Section VI Notices Served
16. Strategic Plan Report
17. FRA Forms Advisory Committee
20. Health Care News
26. Federal Drug & Alcohol Testing Procedures
28. Auditor's Report on Finances
34. 1994 Photo Contest Winners

Departments:

4. Letters To The Editor
5. President's Column
6. Photo Contest
8. SPL Report
21. Railroad Retirement Information
32. Labor History
36. Continuous Membership
37. FELA Directory
38. Signalman's Store
39. Benefits Directory

Cover: A Metro-North commuter train enters the ice covered island circuit of an activated grade crossing warning device at Science Road in Norwalk, Connecticut.
Photo Submitted By: M. Reiss, Local 7

The Signalman's Journal (ISSN-0037-5020) is published bimonthly (February, April, June, August, October, December) by the Brotherhood of Railroad Signalmen, 601 West Golf Road, Box U, Mount Prospect, IL 60056-9048. Second class postage paid at Mount Prospect, IL.
POSTMASTER: Send address changes to: The Signalman's Journal, The Brotherhood of Railroad Signalmen, Box U, Mount Prospect, IL 60056-9048.

Subscription Rates: $10.00 per year, sold only in the United States and Canada. Single copy price is $2.00.

Letters To The Editor

Dear Editor:

Thank you for helping to make the Department of Transportation (DOT) Rail Summit a noteworthy success. By gathering the leaders and innovators of the railroad industry to discuss ideas for the future, we succeeded in using the Summit as a forum to promote consensus and agreement on the next steps that we must all take together to improve rail safety in the United States.

In the discussions at the Summit, several themes became clear. One was the need for better communication and more cooperation. As the demand for and volume of rail traffic – passenger and freight – increases, it will be more important for railroads, passenger operators, equipment suppliers, and all levels of government to work together. Issues such as grade crossing safety, shared trackage concerns, and technology development can be dealt with successfully only through a working partnership among all of us. I hope the Rail Summit will prove to be only the first example of this kind of cooperative effort, and that the dialogue will continue.

Another theme was the need to innovate and, perhaps more importantly, to adopt innovations more quickly. New technology presents an obvious challenge, and the Department is committed to assisting with the development of rail-related technology whenever possible, beginning with the Positive Train Control demonstration project, which will complement the noteworthy efforts of Burlington Northern and Union Pacific. But innovation extends to other areas as well, and the Summit highlighted a number of other important themes:

- Photographic enforcement at highway/rail grade crossings can save lives, and the discussion of it at the Summit has encouraged us to see how DOT can promote the adoption of similar programs through the Grade Crossing Action Plan.

- System safety planning is a new method which can identify the most cost-effective ways to reduce overall risk.

- Public education, such as the efforts of Operation Lifesaver and DOT's new public service announcement campaign, is an important way that grade crossing deaths can be reduced. Research into human factors at grade crossings also promises to save lives.

- The railroad industry can and should learn from others, including the chemical, transit, and aviation industries, in developing emergency response procedures and training.

- The "core equipment rule," which DOT will issue regarding passenger equipment, must take into consideration new safety design techniques developed in other industries.

I was very pleased that the Summit was such a constructive and exciting event. Your ideas and participation helped make it the success it was, and I thank you. I hope that the Summit, with its spirit of cooperation, will set the tone for progress in the railroad industry. With the recent congressional passage of the Swift Rail Development Act of 1994, supporting the Clinton Administration's safety rail, grade crossing, and high-speed rail programs, I look forward to working with you in the future to improve safety and efficiency for both freight and passenger railroad service.

Federico Peña
U.S. Secretary of Transportation

Letters appearing in this column do not necessarily represent official BRS position or policy. Parties wishing to write the Editor should address their letters to:

The Signalman's Journal
Box U
Mt. Prospect, IL 60056

The Signalman's Journal reserves the right to edit letters for clarity, punctuation and length. All letters must be signed; however, names will be withheld from publication upon request.

The Year In Review... A Look Ahead

PRESIDENT'S COLUMN

On behalf of the officers and staff at Grand Lodge, I would like to extend our best wishes for a safe, prosperous and joyful holiday season to all Signalmen, their families and friends. We join together with working families everywhere in the spirit of solidarity and look forward to a new year filled with hope, prosperity and brotherly love. During the coming year we will strive to achieve together the things that we, as individuals, cannot achieve alone.

Signalmen will be able to reflect back on 1994 as a year in which we played an important part in our nation's historic events and continued in our organization's 92-year-old traditions of unity and progress. We have continued to build on a foundation set by the blood, sweat and tears of our forefathers.

We need only to look to the coming year to see another significant event in our organization's history unfold. On January 1, 1995, the Federal Railroad Administration is scheduled to implement a comprehensive set of federal regulations to ensure that our nation's highway-rail grade crossing signal systems are installed, maintained and function as intended.

BRS members have actively advocated the need for such maintenance and testing requirements over the past 22 years. With the implementation of these regulations, we will see a critical gap close in one of our nation's most important federal safety enforcement programs.

The new regulations are proof that cooperative efforts can result in real, meaningful solutions to complex problems. The Grade Crossing Signal Regulations will place the public's safety first, while providing for the safe and efficient operation of our nation's trains.

On another vital safety issue, in the early part of 1994 we renewed our call for a Federal Emergency Order. Once again we requested the FRA to require a watchman for employees performing work on or about live tracks. During this holiday season, our heart goes out to those members and families that have suffered the death or injury of a loved one. Since 1988, 11 Signalmen have tragically lost their lives when they were struck by moving on-track equipment or trains; numerous others have suffered needless injury and pain in the same manner. These are tragedies this organization cannot and will not tolerate.

In June, as a result of repeated calls for action, the FRA asked rail labor and rail management to enter into a process known as "negotiated rulemaking." The process is intended to develop safety regulations to prevent such needless, tragic accidents. The BRS has pledged its full cooperation in this process and an advisory committee has been formed. We are hopeful that this joint process will soon result in recommendations on protecting all workers who perform service on or about live tracks.

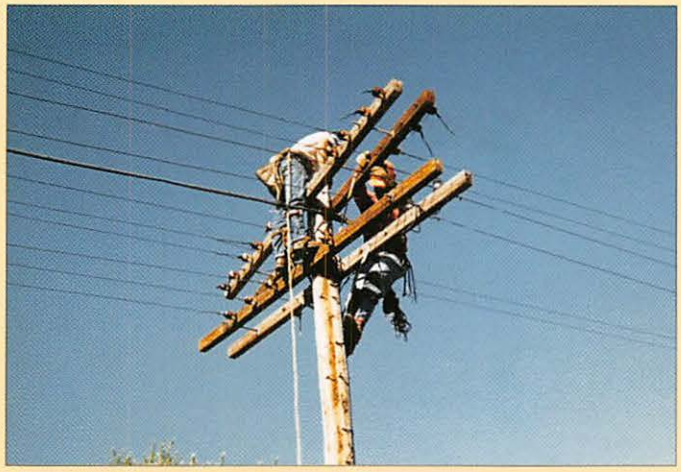
In another significant event, the Brotherhood's Convention in July took action on a number of crucial issues. Among the most important were the changes adopted in the organization's per capita tax formula. Their actions have ensured representation to BRS members.

On November 1 we exchanged bargaining proposals with many of the nation's freight carriers. This marked the beginning of the next round of bargaining. Signalmen know the railroads. Business is robust, earnings are at record levels and railroads have re-emerged as the premier form of transportation. Signalmen, as always, continue to play a key role in the safe, efficient operation of the railroads. BRS members fully expect to be rewarded for their ongoing contributions to the industry.

As we enter the new year, I assure you this organization will not rest on its past accomplishments. Looking ahead, the railroads can expect the Signalmen to be united in full force in 1995.

W. Dan Pickett

1995 Photo Contest Entries

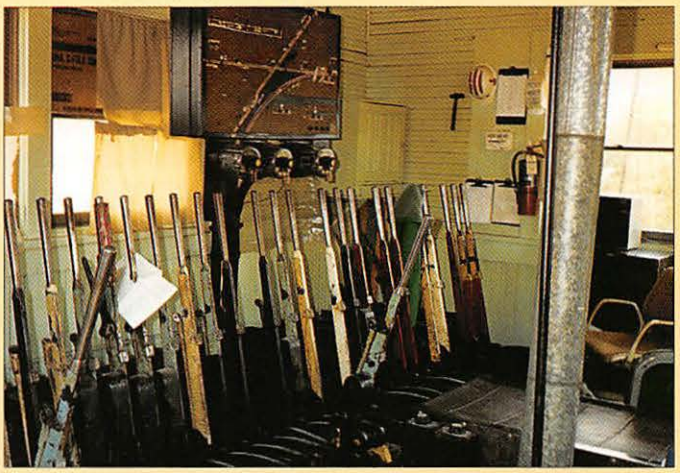


Signalmen G.B. Polla and R. Davis prepare to remove line wire at South Avenue in Glencoe, Illinois. The work was performed to allow the movement of a house over the grade crossing. Photo submitted by Local 130 member ***R. Davis.***

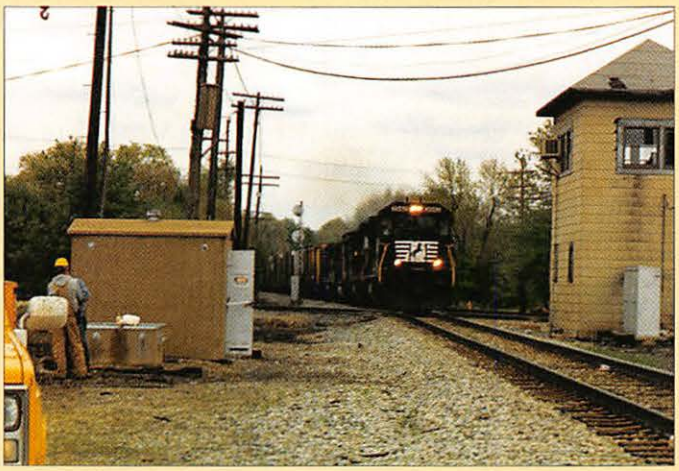
Signalmen G.B. Polla and R. Davis watch from the pole line as a house is moved over the South Avenue grade crossing in Glencoe, Illinois. Photo submitted by Local 130 member ***R. Davis.***

BN helper engines pull a coal train through West Ulm, Wyoming. Photo submitted by Local 87 member ***G.T. Urfer.***

Photo Contest Entries



The Isles Tower mechanical interlocker controlling the Southern Pacific and Norfolk Southern crossing at Springfield, Illinois. The plant was built in 1903 and removed from service June 18, 1994. Photo submitted by Local 55 member ***M.E. Brennan.***



A Norfolk Southern train proceeds through the 91 year old Isles Tower interlocking plant. Photo submitted by Local 55 member ***M.E. Brennan.***

An eastbound BN freight train approaches an intermediate signal location at Lodge Grass, Montana. Photo submitted by Local 87 member ***G.T. Urfer.***

SPL Report:

Several key pieces of rail legislation were combined into bill H.R. 4867. The 103rd session of Congress passed the bill before it closed.

On November 2, 1994 President Clinton signed H.R. 4867 into law. The bill reauthorized the Federal Railroad Safety Act for four years. It also contained provisions for a new grade crossing initiative and $184 million for high-speed rail. Other major provisions are:

H.R. 4867

1. The Authorization for Appropriations

Funds are authorized for four fiscal years (instead of two as has been the case since 1970).

2. Hours of Service Pilot Project

The railroads and all labor organizations representing any class or craft of directly affected covered service employees may jointly petition the Secretary for approval of a waiver of the Hours of Service Act requirements for the purpose of establishing one or more pilot projects to demonstrate alternatives to existing requirements, including maximum on-duty and minimum off-duty periods.

By January 1, 1997 FRA is required to report to Congress as to the effectiveness of the pilot projects and to recommend appropriate legislation for changes in the law.

3. Biennial Reporting

FRA's annual reporting requirements will be extended to a two-year requirement.

4. Report on Bridge Displacement Detection

The Secretary is required to issue a report within 18 months concerning action that has been taken with regard to railroad bridge displacement detection systems.

5. Track Safety

In issuing track safety regulations, September 1, 1995 FRA is required to cover cold weather installation of continuous welded rail, and to consider whether or not to issue regulations that relate to the problem of track shelling in the detection of internal rail defects.

6. Residence of Amtrak Employees

In 1990 Congress prohibited an employee to be taxed by any state or local jurisdiction except where the employee resides. This change provides that the 1990 amendment applies to all periods of time before and after that enactment.

7. Institute for Railroad Safety

The Secretary, within one year, in conjunction with a university or college, shall create an Institute for Railroad Safety. The Institute shall research, develop, fund, and test measures to reduce rail fatalities and injuries. One million dollars is authorized for FY 1996 through 2000.

8. Warning to Public Regarding Vandalism and Trespassing Civil Liability

The Secretary shall encourage railroads to warn the public about potential liabilities for violation of the regulations related to vandalism of railroad signs, devices and equipment and to trespassing on the railroads.

9. Railroad Car Visibility

The Secretary shall review current rules with respect to rail car visibility. The Secretary shall consider at a minimum:

a. visibility from the prospective of an automobile driver;

b. whether certain rail car paint colors should be prohibited or required;

c. the use of reflective materials;

d. the visibility of lettering on rail cars;

e. the effect of any enhanced visibility measures on the health and safety of train crew members; and

f. the cost:benefit ratio of any new regulations.

10. FRA/OSHA Coordination

The Secretary shall consult with the Secretary of Labor on a regular basis to assure all laws affecting working conditions for railroad employees are appropriately enforced to ensure a safe working environment for the rail industry.

11. Positive Train Control System Report

The Secretary shall submit a report by December 31, 1995 to the Senate and House regarding development, deployment and demonstration of positive train control systems.

12. Rail Passenger Car Safety Standards

The Secretary shall issue regulations covering passenger car safety. The initial standards shall be issued within three years, and final regulations shall be promulgated in five years.

13. Contract and Grant Authority of the Secretary

The Secretary is authorized to enter into contracts which may be necessary or appropriate to carry out the functions of the FRA.

14. Tourist Railroads

In prescribing regulations that cover tourist, historic, scenic or excursion railroads, the Secretary shall take into consideration any financial, operational or other factors unique to such carriers. A report shall be submitted to Congress on actions taken by September 30, 1995.

15. Authorization for Appropriations Covering Operation Lifesaver

Funds for Operation Lifesaver, Inc. are authorized as follows: $300,000 for FY 1995; $500,000 for FY 1996; and $750,000 for FY 1997.

16. Railroad Trespasser and Vandalism Prevention

The Secretary shall evaluate current laws regarding trespassing on railroad property and vandalism, and develop a model prevention strategy enforcement law to be used by the states. The evaluation and review shall be completed in one year. Further, the Secretary shall develop an outreach program to improve communications regarding trespassing and vandalism problems on the railroads. In 18 months the Secretary shall develop and make available to the states and local governments model legislation providing penalties for vandalism and for trespassing.

17. Emergency Notification of Grade Crossing Problems

The Secretary shall conduct a pilot program to demonstrate an emergency notification system utilizing a toll-free telephone number for the public to use for conveying to railroads information concerning malfunctions or other safety problems at grade crossings. The pilot program shall include crossings in at least two states; include provisions for public education and awareness; and post information at the crossings describing the emergency system and instructions on its use. The pilot program should be completed within 24 months, and a report shall be submitted to Congress not later than 30 months as to the effectiveness of such emergency notification systems.

18. Audible Warning at Grade Crossings

The Secretary shall prescribe regulations requiring that a locomotive horn shall be sounded while each train is approaching and entering a grade crossing. The Secretary may except from the requirement any rail operations or categories of crossings that the Secretary determines not to present a significant risk to loss of life or injury; for which the horn warning is impractical; or there exists supplementary safety measures to fully compensate for the absence of the locomotive horn. The "supplementary safety measures" must be an effective substitute for the locomotive horn which prevents movement over a crossing (such as adequate median barriers that prevent movement around crossing gates). Any supplementary measures must be applied to all grade crossings within a specified distance along the railroad in order to be excepted.

The regulations under this section shall be issued not later than 24 months covering those crossings which in the judgment of the Secretary pose the greatest safety hazards. The remaining regulations to the other categories of crossings shall be issued not later than 48 months.

T.J. DePaepe Appointed Grand Lodge Representative

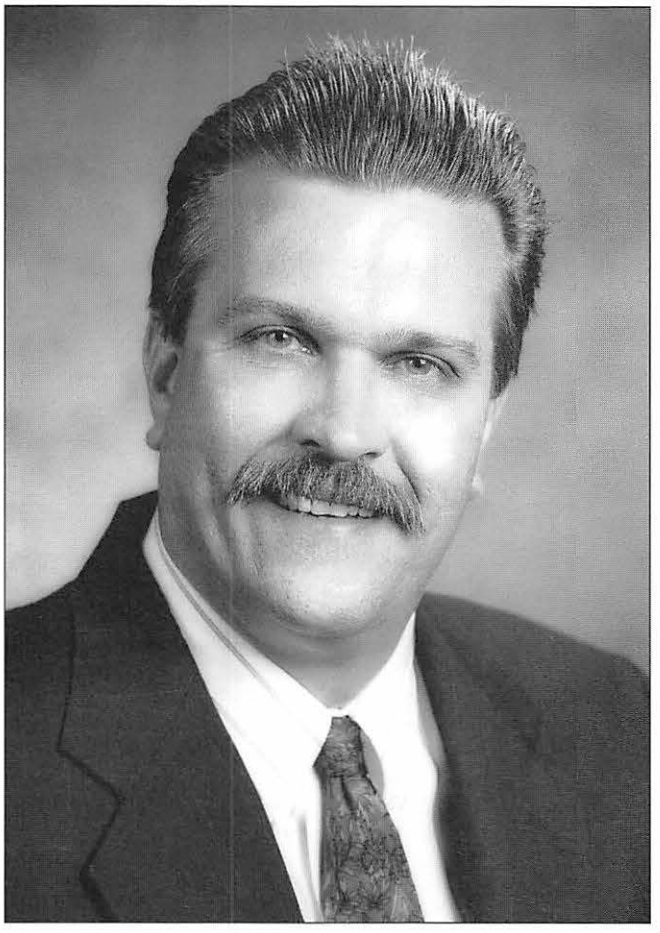
BRS President W.D. Pickett has announced the appointment of Local 130 member T.J. DePaepe as Grand Lodge Representative. He is currently assigned to the Brotherhood's Headquarters in Mount Prospect, Illinois.

DePaepe, 37, served as Local Chairman of Local 130 prior to his appointment. He began his railroad career in June of 1976 on the Chicago & North Western Railroad as a Signal Helper assigned to a Chicago Division Signal Gang. After working two years as an Assistant Signal Maintainer, he worked various Lead Signal Maintainer positions at interlocking plants in Evanston, Chicago, and Barrington, Illinois. He also worked three years as a Signal Inspector on the CNW's Northwest Line. At the time of his appointment he was assigned to a Lead Signal Maintainer position in Barrington, Illinois.

First elected Recording Secretary of Local 130 in 1983, Brother DePaepe served the Local in that capacity until 1991. Upon the retirement of his father, H.J. DePaepe, who served as Local 130 Local Chairman for 25 years, he was elected Local Chairman. DePaepe has attended three BRS conventions as an elected delegate and three as a Local member.

A resident of West Dundee, Illinois, Brother DePaepe is a 1975 graduate of Saint Benedict High School in Chicago. He attended Saint Vincent DePaul University for one year before embarking on his railroad career. He has attended various Signal Training Programs at CNW's Larry S. Provo Training Center which included Signal Maintainer Development I, II, III and DC\AC Electronics.

Brother DePaepe and his wife Belle have two daughters, Margot, 9 and Rebecca, 2.



Revised BRS Constitution Issued

The Constitution of the Brotherhood of Railroad Signalmen was revised shortly after the organization's Forty-Sixth Regular Convention. Delegates at the convention implemented changes that became effective October 1, 1994. Likewise, the Constitution has been updated to reflect those changes. The new Constitution supersedes the previous 1991 book.

The Constitution is a key part of the BRS. It not only governs the operation of our union, it also establishes certain rights and privileges. New Constitutions were mailed to all BRS members. When members receive their Constitution they should take time to review it. The Constitution should be kept in a readily accessible location for quick reference. It is also a good idea for members to take their Constitution to every BRS meeting.

Members who have not received their new Constitution should contact their local BRS Union Representative or write directly to Grand Lodge. As always, members should be sure to include their name, certificate number, local lodge number and current home address.

General Chairmen's Training/Meeting

Meeting Sets Tone For Upcoming Round Of Bargaining

Rosemont, Illinois - On October 12 and 13, BRS General Chairmen attended a Collective Bargaining and Contract Negotiations training course. The class was taught by Jeff McDonald, Deputy Director of the George Meany Center.

President W.D. Pickett reviews the Section VI Notice with BRS General Chairmen.

The training highlighted bargaining under the Railway Labor Act and coincided with the organization's upcoming contract negotiations. The training class was followed by a two-day General Chairmen's meeting.

In his opening remarks, President Pickett announced that one appointment had been made since the last General Chairmen's meeting. He noted that T.J. DePaepe, Local Chairman from the Chicago & North Western, had been assigned to Grand Lodge Headquarters as a Grand Lodge Representative. He noted that another Grand Lodge Representative position would be vacant after the first of the year.

At the General Chairmen's meeting, October 14 and 15, key issues were discussed that set the tone for the Brotherhood's upcoming 1995 round of bargaining.

The General Chairmen reviewed the Section VI Notice to be issued for the upcoming round of negotiations. They then discussed, amended and voted on a basic Section Six Notice. President Pickett indicated that most Carriers would probably participate in national handling. Many General Chairmen indicated that local issues would be included with their Section VI Notices. President Pickett stated that Grand Lodge would assist the General Chairmen with their Section VI Notices, if necessary, and set a November 1 goal for serving the Notices. Pickett asked all General Chairmen to advise him of any outstanding issues on their property so such issues could be resolved prior to national negotiations.

The On-Track Safety issue was addressed by President Pickett. Pickett advised the General Chairmen that he and Grand Lodge Representatives were members of an On-Track Safety Task Force initiated by the FRA. President Pickett said he remains adamant that flagging protection be instituted to protect all railroad workers.

The General Chairmen's agenda also included a report on advanced training from Vice President Barton. He noted that the Advanced Training Agreement was included in the October issue of *The Signalman's Journal*. He advised General Chairmen to work with their regional Vice-President to ensure uniformity in advanced training programs.

Bill Goodman and Ralph Elston from the FRA also made presentations at the meeting. They addressed the General Chairmen on many topics, including the new Grade Crossing Signal Regulations. The FRA believes that the regulations will reduce the number of grade crossing fatalities. Mr. Elston showed a slide presentation on how the FRA is changing the way it operates. FRA's criteria for success: "Safety is good business and will not be compromised."

Vice-President J.P. Finn reported that the final Grade Crossing Regulations were enacted. Finn also noted that any members knowing of problems at crossings should duly report such crossings to the FRA. All such crossings are to be brought into compliance with the new regulations. It was pointed out that these regulations were made in conjunction with the AAR and the short line railroads.

Jeff McDonald, Deputy Director of the George Meany Center, outlines the collective bargaining process.

General Chairmen's Training/Meeting Rosemont, Illinois

BRS General Chairmen and Grand Lodge Officers were clearly focused during their training\meeting sessions in Rosemont, Illinois. The intensive sessions were held to coincide with upcoming negotiations.

Railroads Serve Section VI Notices Proposals Signal Start Of National Bargaining

A majority of BRS General Chairmen voted to approve Section VI Notices in accordance with Article I, Section 65 of the Constitution during their meeting in Rosemont, Illinois on October 14 and 15, 1994. Section VI Notices represent the changes each side wishes to make in an agreement. The BRS wasted no time in serving its notices. Most notices were served November 1, the first day that such notices could be issued under the provisions established by 1992 National Agreement.

The filing of the notices signals the official beginning of a new round of bargaining. The notices seek to improve wages, rules and benefits for BRS members under the National Agreement beginning January 1, 1995. In addition to general wage increases of seven percent over each of the next three years, the notices propose uncapping adjustments on the cost of living and changing or adding provisions for vacations, holidays, personal leave and sick days. The Brotherhood's notices also seek to expand employee protection provisions while updating many health and welfare benefits.

The National Carriers' Conference Committee (NCCC), the bargaining arm of the railroads participating in national bargaining, served their demands on the BRS also bearing a November 1, 1994 date.

The following railroads will participate national bargaining:

Alton & Southern Railroad
Atchison, Topeka and Santa Fe Railway Company
Burlington Northern Railroad Company
Chicago & Illinois Midland Railway Company
Chicago & North Western Railway Company
CSX Transportation, Inc.
- Atlanta & West Point Railroad Company
- The Baltimore & Ohio Chicago Terminal Company
- The Baltimore & Ohio Railroad Company
- The Chesapeake & Ohio Railway Company (Northern & Southern Regions)
- Chicago & Eastern Illinois Railroad Company
- Clinchfield Railroad
- Louisville & Nashville Railroad Company
- Monon Railroad
- Pere Marquette Railway Company
- RF&P Railway Company
- Seaboard Coast Line Railroad Company
- The Three Rivers Railway Company
- Western Maryland Railway Company
- Western Railway of Alabama

Houston Belt & Terminal Railway
Kansas City Southern Railway Company
Missouri Pacific Railroad
- Galveston, Houston & Henderson Railroad
- Missouri-Kansas-Texas Railroad
- Oklahoma, Kansas & Texas Railroad

Norfolk Southern Railway Company
- The Alabama Great Southern Railroad Company
- Central of Georgia Railroad Company
- Norfolk & Western Railway Company
- Southern Railway Systems

Peoria & Pekin Union Railway Company
Terminal Railroad Association of St. Louis
Union Pacific Railroad

Note: Railroads not listed have or intend to bargain on an independent basis.

Under the provisions of the Railway Labor Act (RLA), both the carrier and the union have 10 days to respond to each other's notices. The two parties then have 30 days in which to schedule meetings.

The bargaining process has no time limit. Under the RLA, no work stoppage can occur until the National Mediation Board, which administers the Act, determines that it cannot mediate an agreement. At that point, a 30-day cooling off period would occur and then the carriers could impose their wage and work rule changes and the union would be free to strike.

The Railroads' Bargaining Demands As Listed In The NCCC's Section VI Notice

I. Compensation Elements

Revise existing pay rules and adjust pay levels in relation to competitive labor market data to correspond to pay of comparable positions in other industries and to offset impediments to productivity under existing rules and practices insofar as there is no agreement to eliminate such impediments to productivity.

II. Rules

A. Eliminate any existing restrictions on the right of a carrier to select agreement supervisory personnel and individuals for certain designated positions; and provide that a carrier may in its discretion se-

(Cont. on next page)

(Cont. from preceding page)

lect agreement supervisory personnel and designate individuals for certain jobs as it deems appropriate.

B. Utilization of Employees

1. Eliminate any existing restrictions on the use of employees, whether or not represented by the Organization, to perform any work as and where needed; and provide that a carrier in its discretion may require any employees represented by the Organization to perform any work as and where needed that the carrier deems appropriate.

2. Eliminate any existing restrictions on a carrier's rearranging forces and/or work, including any existing impediments to establishment by a carrier of territorial and/or system gangs; and provide that a carrier may in its discretion rearrange forces and/or work without limit as it deems appropriate.

3. Eliminate any existing restrictions on changing work weeks, starting time, hours of assignment or assignment of rest days, and any existing necessities for filling vacancies; and provide that the carrier may in its discretion as it deems appropriate change work weeks, starting time, hours of assignment and assignment of rest days and determine whether to fill a vacancy.

4. Amend any existing rules or practices restricting a carrier's ability to transfer surplus employees to provide that the carrier may in its discretion transfer surplus employees to any locations on any part of its system without regard to seniority district or collective bargaining agreement boundaries, including the ability to assign such employees on a temporary basis.

5. Eliminate any existing restrictions on a carrier's realigning and combining of seniority districts; and provide that the carrier in its discretion may realign and combine seniority districts as it deems appropriate.

C. Eliminate any existing scope rules or other restrictions on subcontracting of work, and any other existing impediments to less costly and/or more efficient alternative methods of performing work; and provide that a carrier in its discretion may subcontract work and/or adopt other alternative methods of performing work that the carrier deems to be less costly and/or more efficient.

D. Eliminate any existing restrictions on the establishment by a carrier of temporary positions or on the use by a carrier of part-time employees; and provide that the carrier in its discretion may establish temporary positions and may use part-time employees upon such terms as it deems appropriate.

E. Eliminate any existing provisions which require a carrier to pay an employee who cannot accept a call because of the Hours of Service Law.

III. General

A. If and where any restrictions exist, there will be no restrictions on the use of new technology by employees in any craft, and such use shall not create any exclusive right thereto.

B. Except in circumstances where already provided, provide for the establishment of special boards of adjustment to arbitrate disputes growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions with the parties sharing equally the fees and costs of the arbitrators.

C. Compensated Absences

Amend any existing rules or agreements to provide that in order to qualify for a vacation or personal leave an employee must be credited with compensation for at least 200 days for work in the preceding year and have satisfactory attendance.

D. Holidays

Amend any existing rules and practices in regard to paid holidays to provide that an employee who is unavailable during the 15 days preceding the holiday, the holiday, and the 15 days following the holiday will be disqualified for such pay.

E. Health and Welfare

1. With respect to The Railroad Employees National Health and Welfare, Early Major Medical Benefit and Dental Plans:

Expand cost-sharing by employees and more effectively contain costs incurred by the Plans. Matters to consider include, among other things, benefit design changes; modifying deductibles, annual out-of-pocket and lifetime maximums, copayments and coinsurance; expanding exclusions; and limiting eligibility and the duration of extended or continued coverage.

Improve Plan administration. Matters to consider include, among other things, experience rating by railroad; mandatory managed care where available; universal non-duplicative COB; standalone deductibles; and governance of all Plans by the NCCC.

2. In the event of enactment of federal or state health care legislation, the carriers may propose appropriate, responsive measures with respect to the above described plans. The carriers and the organization (in concert with other affected organizations) will meet to consider such measures, with the

assistance of a neutral (if necessary) empowered to render binding decisions. Such neutral shall be jointly selected by the parties, or absent agreement, appointed by the National Mediation Board.

3. With respect to Supplemental Sickness Benefit Plan:

Eliminate any existing provisions providing SSB benefits for furloughed employees.

F. Americans with Disabilities Act

Provide that the parties shall cooperate to facilitate any actions needed to make reasonable accommodations without undue hardships to qualified individuals with disabilities.

G. Employee Involvement

Where a carrier establishes voluntary employee involvement programs involving customer service, safety, etc., provide that the organization shall not discourage employee involvement in such programs.

H. Improved Injury Compensation System

By mutual consent, develop joint legislative proposal governing employee compensation for on-the-job injuries in lieu of existing system that reflects current trends and is more equitable to injured employees, provides benefits in a more efficient and less adversarial manner, is structured with incentives to reduce the number of injuries and the cost of any injuries that may occur, and promotes a more constructive approach to safety.

I. Service Disruptions

1. In addition to prohibitions imposed by existing requirements, provide that, except for lawful primary strikes and picketing of the carrier or carriers involved in a major dispute with the Organization, engaging in or respecting strikes or picketing of any carrier or of anyone else including shippers, secondary boycotts, slowdowns, and any other concerted self-help activities, are prohibited. Appropriate penalties will be applied for an employee and/or organization which violates this provision.

2. Provide that: During any work stoppage or disruption of operations due to other forms of concerted self-help by employees in any part of the railroad industry, a carrier shall have the unilateral right to suspend all bulletin, assignment, displacement, mileage or earnings rules or regulations; any pay and protective provisions of any applicable agreements; any other applicable agreements or rules relating to the use or compensation of employees; any agreements which provide for union or agency shop, deduction for union dues, union fee checkoff or political contributions. Such agreements and rules may be suspended by the carrier for the duration of such work stoppage or disruption and employees will be assigned any compensation on a basis to be determined by the carrier in its discretion. This provision is not intended to and will not modify or suspend protection provided in agreements adopted pursuant to the Interstate Commerce Act, or pursuant to some other statutory provision, if any, requiring employee protection.

IV. Miscellaneous

A. Subsequent Legislative or Regulatory Events

If a legislative or regulatory requirement is imposed during the term of the parties' national agreement that materially affects the application of any provision contained in such agreement or materially increases the carrier's labor costs, provide that the carrier may propose appropriate, responsive measures. The parties shall meet promptly to consider such carrier proposals, with the assistance of a neutral (if necessary) empowered to render binding decisions. Such neutral shall be jointly selected by the parties or, absent agreement, appointed by the National Mediation Board, with the parties sharing equally the neutral's fees and costs.

B. Contract duration to be through year 1999.

C. Adopt moratorium similar to that contained in the last national settlement.

BRS Strategic Plan Report

The BRS General Chairmen's meeting also included an update on the Brotherhood's seven Strategic Plan goals.

Goal 1 - Improve BRS' Performance In Influencing Legislation In The Members' Best Interests

Vice President Northeast, Bill Radziewicz, addressed the Signalmen's Political League. Brother Radziewicz discussed getting SPL dues deductions established on all carriers. Grand Lodge Washington Representative Dennis Boston reported that year-end contributions for the SPL increased by 50%. SPL contributions for 1993 were up from approximately $50,000, to $75,000. The SPL goal is to eventually reach a yearly mark of $100,000.

Goal 2 - Seek Ways To Achieve Financial Security

Secretary-Treasurer R.R. Foley reported on the financial status of the Brotherhood. He addressed the recent constitutional change which called for a four-year convention. He noted the change would save the Brotherhood approximately $180,000 every 12 years. He also noted that the per capita tax will be increased from one and one-third hours to one and six-tenths hours due to convention action. Foley told the General Chairmen that the Brotherhood has reduced inventory of certain items, i.e., constitutions, pamphlets, etc.

Goal 3 - Determine Methods To Make The BRS Organization And Grand Lodge Operate More Efficiently

Vice-President Grand Lodge, Jim Finn, reported on advances made to shorten the grievance handling process. He also informed the General Chairmen that an outside firm has yet to come in and evaluate the efficiency at Grand Lodge.

On the topic of training, he reported that Grand Lodge had held training for Local Chairmen at three separate locations and that training for financial secretaries and General Chairmen training was also held prior to the meeting.

He also noted that the membership had not voiced a need for another Strategic Planning Conference. Brother Finn reported that Joint-Local and Joint-General Committee meetings have been implemented and that such meetings produced good response and results.

Goal 4 - Relocate Grand Lodge To Gain Cost Efficiency While Improving Service To Membership

Vice-President Southeast, Floyd Mason, reported on financial data regarding moving Grand Lodge to Washington, D.C. He said the financial data indicated that a move to the Washington, D.C. area would not be cost-efficient. Brother Mason reported that all possible scenarios were explored. He noted the only area of savings was in real estate taxes; however, such savings did not offset other factors involved in such a move.

Goal 5 - Increase Membership

Vice-President West, Val Van Artsdalen, reported on organizing. He outlined efforts to organize suppliers and short line railroads. Organizing contractors, supervisors, and DDT (Amtrak) are other options being explored. Brother Van Artsdalen reported on crime bill legislation that increases the penalty for someone who willfully derails a train and causes a death. In such a case, the judge's only choice is to issue a sentence of life imprisonment or death. He also reported that Grand Lodge is in the process of installing a computer system that will allow member access.

Goal 6 - Develop Ways To Protect And Improve Our Agreements

Vice-President at the NRAB, Charlie McGraw, reported on how to protect and improve our agreements. Brother McGraw noted that the proposed changes in the Scope Rule are a good step in the right direction. Brother McGraw reported that Third Division Signalmen awards will be sent to General Chairmen on a quarterly basis. He also addressed the issue of two men working together due to basic safety and flagging concerns.

McGraw noted the Dunlop Commission Report indicates that carriers attribute the backlog of cases at the NRAB to frivolous union claims; therefore, carriers want party-pay Boards. The Brotherhood contends if that was the case, the right to strike over minor disputes should be restored. He pointed out the NRAB is functioning better and the backlog was being caught up due to a new administration at the National Mediation Board.

Goal 7 - Better Communications Between All Levels Of The Organization

Vice President Midwest, Jeff Barton, reported on communications between Grand Lodge and the membership. Brother Barton noted that many of the suggestions had been instituted in *The Signalman's Journal*, such as Letters To The Editor, a SPL Report and more timely and up-to-date information.

The cost efficiency of 800 numbers and modems available to the membership were also studied by a committee. The major stumbling block with 800 numbers was that Grand Lodge would usurp the General Chairman's authority by answering questions instead of the General Chairman.

FRA Forms Advisory Committee To Protect Workers Along Right-Of-Way

The Federal Railroad Administration has announced the formation of an advisory committee to seek ways to protect Signalmen, and other railroad employees who work along the right-of-way, from being struck by trains or moving on-track equipment.

With 31 fatal trackside accidents since 1988, including 11 Signalmen fatalities, the FRA acknowledged that a "serious problem" exists within the railroad industry. In response, FRA has turned to an innovative process known as "Negotiated Rulemaking" to analyze the problem and develop safety regulations to help prevent such tragic accidents.

The negotiated rulemaking process will bring together all parties that have shown an interest in railroad roadway worker safety. By focusing the collective knowledge, experience and talents of people who know and understand the dangers of working along the tracks, meaningful safety rules can be formulated to effectively prevent roadway workers from being injured or killed by trains or moving on-track equipment.

BRS President Dan Pickett praised the negotiated rulemaking announcement. "The safety of Signalmen is a top priority of this organization. Far too many of our members have been needlessly injured or killed on the job. Finally we have an opportunity to help bring about tough, effective safety measures that will help put an end to these needless, tragic deaths and injuries."

President Pickett noted that three times in the last year alone the BRS petitioned the FRA to issue an Emergency Order to protect Signalmen and other railroad workers while working on or near live track. The FRA declined to issue such emergency regulations. However, on June 3, 1994, FRA Administrator Jolene Molitoris convened a Rail Safety Summit meeting of top rail labor, carrier and FRA officials in Washington, D.C. It was there the FRA's Administrator declared, "One death is one too many." Molitoris then vowed the FRA would take action to protect the men and women working on our nation's railroads.

Recognizing that the best way to solve a railroad problem is to turn to the people who actually work on the railroad, the FRA Administrator proposed that employer and employee representatives work together in a negotiated rulemaking process to develop meaningful safety recommendations. She was quick to note that if labor and management could not agree on appropriate safety measures, the FRA would not hesitate to take action on its own.

BRS President Pickett has expressed his full support for the negotiated rulemaking process and pledged complete cooperation on the part of Signalmen. "We are glad that our voice is being heard in Washington," exclaimed President Pickett. "We have worked long and hard to gain protection for Signalmen. I will not tolerate the needless slaughter of our nation's railroad right-of-way workers. We must take full advantage of this opportunity."

This marks the first time in FRA's history that it has used a negotiated rulemaking process to help formulate federal railroad safety regulations.

Under the traditional rule-making process, the FRA would have proposed a federal rulemaking. FRA would have then solicited comments from the public and interested parties. Such parties would then respond with comments and suggestions either in writing or at various public hearings. After receiving and evaluating such comments, a final rule would have been issued. This rulemaking process has traditionally been long and cumbersome.

However, under the negotiated rulemaking process, representatives from rail labor, management and the FRA will form an official advisory committee to examine the hazards and risks faced by roadway workers working on or near live tracks. The joint labor/management/government committee will then develop recommended safety rules and operating procedures aimed at eliminating or reducing accidents caused by moving trains and on-track equipment.

The advisory committee's recommendations will then be submitted to the FRA and are intended to serve as a basis for new mandatory federal safety regulations.

While this is the FRA's first attempt at negotiated rulemaking, other federal agencies have been successful in using this process. For example, the Occupational Safety and Health Administration (OSHA), the Environmental Protection Agency (EPA) and the Federal Aviation Administration (FAA) have all successfully promulgated federal safety regulations through negotiated rulemaking.

Record Third Quarter Posted By Most Railroads

Major railroads continued to report third quarter results that reflect the resurgence of both the industry and a healthy economy. Comparisons with last year's results were, in several instances, favorably impacted by the 1993 floods that dampened results in last year's third quarter.

Burlington Northern said its net income swelled to $115 million, or $1.18 per share, a $91 million improvement over last year's net of $24 million, or 21 cents per share.

BN had operating income of $229 million on revenue of $1.249 billion, both records for any quarter.

Norfolk Southern Corp. said its third quarter net rose 19 percent to $168.3 million from $141.4 million. Earnings per share rose 22 percent to $1.24. Total revenue grew to $1.171 billion, up from $1.089 billion.

Railway operating revenue in the third quarter was $975.8 million, up 7 percent from last year's $914.3 million.

CSX Corp. said its third quarter earnings rose 51 percent to $177 million, or $1.68 per share, topping the previous record for any quarter that was set in this year's second quarter.

CSX Transportation, the rail unit, had its best quarter, with operating income of $224 million, up 40 percent from last year's $160 million. Revenue grew to $1.1 billion, an 8 percent gain.

Southern Pacific said its third quarter net was $33.5 million, 22 cents per share, against a loss of $52.8 million, or 47 cents per share, last year.

Operating income was $97.1 million, up from $100,000 in last year's flood-impacted third quarter. Revenue increased to $807.3 million, up from $753.8 million.

Illinois Central provided one slight exception to the general pattern, with quarterly revenue declining slightly to $146.7 million from $147.4 million last year, when IC benefited from the flood. Net income for the quarter was $25.9 million, compared with last year's $21.5 million, or 50 cents per share.

Kansas City Southern Industries reported third quarter 1994 earnings of $28.6 million, 64 cents per share, up 23 percent from 1993's $23.3 million, or 52 cents per share.

Kansas City Southern Railway had revenue of $130.3 million, up from $120.5 million. Operating income improved to $34.2 million, from $31.7 million.

Chicago and North Western Transportation Co. reported third quarter net of $27.1 million, or 60 cents per share, compared with a 1993 quarterly loss of $4.6 million, 10 cents per share, resulting from flooding.

Operating income increased 38 percent to $67.9 million, up from $49.2 million.

Santa Fe posted third quarter net income of $50.5 million, 27 cents a share.

Santa Fe Railway posted its highest operating income ever, $117.8 million. Rail revenue at $680.2 million was up 16 percent from last year's $585.8 million.

Conrail said its third quarter net improved to $106 million, $1.17 a share, compared with a loss of $3 million, 7 cents a share, in the 1993 quarter.

Revenue in the quarter was $949 million, up sharply from last year's $854 million.

Union Pacific Railroad increased third quarter 1994 earnings 26 percent, from $146 million to $184 million. Last year's third quarter earnings reflected the impact of the severe midwestern floods.

Union Pacific reported third quarter income from continuing operations of $210 million, or $1.02 a share, compared with $108 million in the 1993 quarter.

IF COLLEGE IS IN YOUR CHILD'S FUTURE, U.S. SAVINGS BONDS SHOULD BE IN YOUR PRESENT.

How can you be sure the money you save for college will be there by the time your child goes to college? Invest in U.S. Savings Bonds.

Ask your employer or banker about saving for college with U.S. Savings Bonds. Or write:
U.S. Savings Bonds
for Education
Dept. of the Treasury
Washington, DC 20226

For a recorded message of current rate information, call 1-800-4US BOND 1-800-487-2663

Take Stock in America U.S. SAVINGS BONDS

A public service of this magazine

Merger Mania Returns To Rail Industry

Labor Leaders Call For Regulatory Scrutiny

Several proposed mergers involving Class I railroads have drawn much attention during the past six months. Not since the 1970s has the U.S. rail industry seen such a flurry of merger activity. BRS members have been hearing about all types of possible mergers.

Both the Burlington Northern and the Union Pacific have been trying to merge with the Santa Fe. The Illinois Central has shown interest in the Kansas City Southern. Furthermore, UP wants to take over the Chicago & North Western's operation. The Norfolk Southern has been considering merging with Conrail and Union Pacific may want in on a possible NS/Conrail deal or it may seek a deal with the CSXT.

Each of these matters is of significant importance to BRS members and their families. The railroad industry has already been through a long period of mergers and consolidations, many to determine service in hundreds of communities and the livelihood of thousands of rail workers.

Such possible mega deals demand close attention by all involved, including the federal government, shippers, states and the BRS. That is why BRS President W.D. Pickett has called for the Interstate Commerce Commission (ICC) to hold oversight hearings on the proposed consolidations.

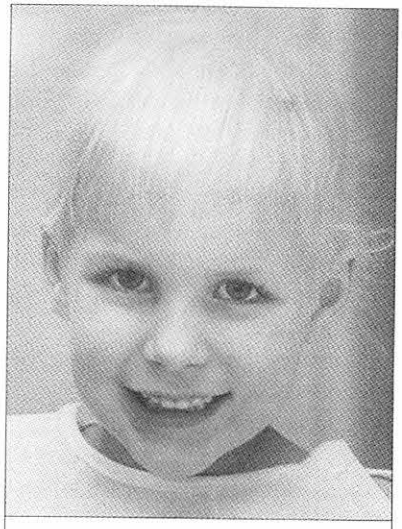
"BRS members have long been at the forefront of change as they have seen their employers pursue massive mergers and consolidations, short line sales and abandonments," said Pickett. "For BRS members this has resulted in massive job loss and a feeling that enough is enough as carriers continue to unjustly enrich themselves on the backs of their workers."

Clearly, proposed mergers involving seven Class I rail carriers could have a dramatic effect on the nation's railroad industry, its users, employees and communities. Likewise, President Pickett, along with members of the Transportation Trades Department (TTD), has urged the ICC to ensure that the public interest, including the interest of workers, is protected before any such major transactions are approved.

The TTD believes the ICC, under previous regimes, failed to carry out its statutory obligations as Congress intended. "Absent a deliberate and forceful role by the Commission in analyzing any proposed mergers, we believe the transportation industry, its users, communities and working men and women will be victimized if the industry is allowed to consolidate down to a handful of mega-carriers possessing excessive market power," said TTD President Ron Carey in a letter to ICC Chairman Gale McDonald. "To ensure history does not simply repeat itself, we must be sure employees' views are heard and understood."

The TTD has reserved final judgment on each of the mergers. However, it believes the transactions will have a dramatic impact on the transportation industry and has asked the ICC to carefully and thoughtfully analyze each situation. As TTD's statement clearly emphasizes, transportation labor is committed to protecting against "the consummation of major rail mergers that fail to accommodate the legitimate needs and rights of employees, and that threaten service to communities, the long-term interests of our transportation system and the public interest."

Carey said, "In its rush to further consolidate, the rail industry must recognize labor's legitimate interests in these merger cases and its necessary place at the table – that is, if prolonged confrontation is to be avoided. Not only do we urge you and your colleagues on the Commission to give careful regulatory scrutiny to any proposed mergers that come before your agency, we fully expect the ICC to comply with the statutory mandate to promote fair wages and safe and suitable working conditions, and to protect the interests of carrier employees affected."



"I want to live."

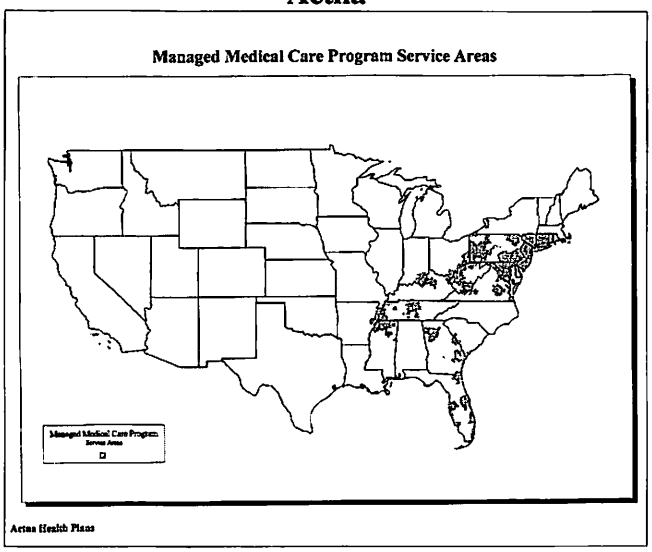
Call 1-800-877-5833 for information

ST. JUDE CHILDREN'S RESEARCH HOSPITAL
Danny Thomas, Founder

Health Care News. . .

New Managed Care Sites To Open In Coming Months

Aetna



The next phase of sites eligible for a Managed Medical Care Program (MMCP) will be introduced under the Railroad Employees National Health and Welfare Plan in the coming months.

On February 1, 1995, Aetna Health Plans will introduce managed care networks in a number of areas. It should be noted that a network may not include an entire state or entire counties but only particular portions within the state or counties. (See the above map.) BRS members who live in one of the areas shown should have received detailed information about the MMCP. Following start-up of the Aetna networks, the initial phase of managed care implementation will be complete.

BRS members and their families who reside in the states listed above who do not receive an enrollment kit will continue to receive their health benefits under Comprehensive Health Care Benefit (CHCB) administered by The Travelers.

Areas of the United States to be included in the Aetna networks are as follows:

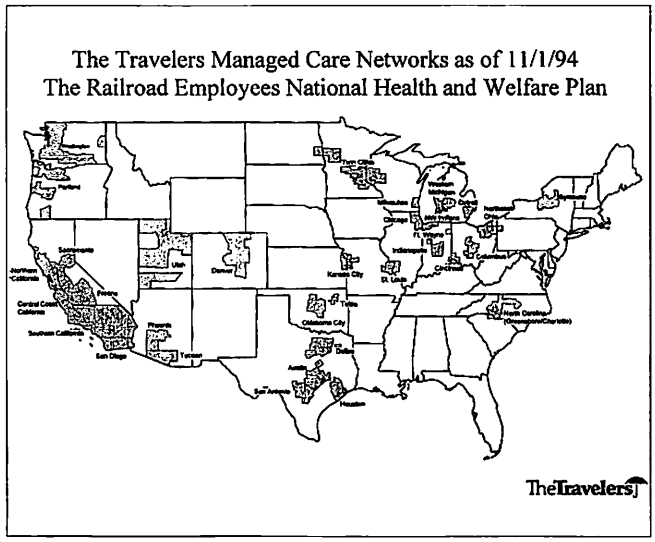
Connecticut. Delaware. District of Columbia/Baltimore, MD. Florida—Brevard County, Dade/Broward Counties, Ft. Myers, Jacksonville, Orlando, Palm Beach/Martin/St. Lucie Counties, Tampa Bay/St. Petersburg. **Georgia**—Atlanta, Augusta, Savannah. **Kentucky**—Lexington, Louisville, Eastern Kentucky. **Maryland**—most counties/Washington, D.C. **New Jersey. New York**—Metro New York City, Western New York. **Ohio**—Eastern Ohio. **Pennsylvania**—Berks County, Central PA, Erie, Johnstown, Lehigh Valley, Northeastern PA, Pittsburgh, Southeastern PA (Philadelphia), Western PA. **Tennessee**—Memphis, Nashville. **Virginia**—Hampton Roads, Richmond, Roanoke, Northern Virginia. **West Virginia.**

As of November 1, 1994, The Travelers will administer new managed care network sites in the major metropolitan areas of Chicago, Northwest Indiana, Ft. Wayne, and states of Michigan, Wisconsin, Kansas, Missouri, Oregon, Colorado, Arizona, Utah and Washington. In these areas (see map below), members must choose between the existing Comprehensive Health Care Benefit and the new Managed Medical Care Program.

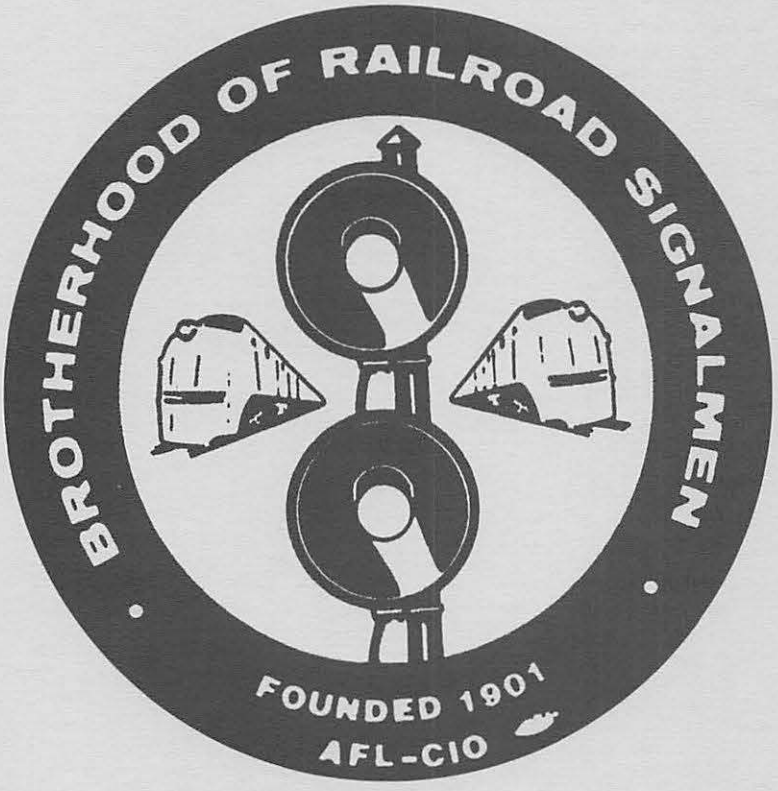
Specific network locations and counties follow.

St. Louis—IL counties: Jersey, Madison, Monroe, Randolph, Saint Clair. MO counties: Franklin, Jefferson, Perry, Saint Charles, Saint Francois, Saint Louis, Saint Louis City. **Western Michigan**—Gratiot, Ionia, Montcalm, Clinton, Kalamazoo, Calhoun, Barry, Kent, Muskegon, Allegan, Ottawa. **Colorado**—Adams, Arapahoe, Boulder, Denver, Douglas, El Paso, Elbert, Gilpin, Jefferson, Larimar, Park, Pueblo, Teller, Weld. **Kansas City**—Johnson, Leavenworth, Miami, Wyandotte, Cass, Clay, Jackson, Lafayette, Platte, Ray. **Chicago**—Cook, DuPage, Kane, Lake, McHenry, Will. **Metro Phoenix**—Maricopa, Pinal. **Detroit**—Livingston, Macomb, Oakland, Saint Clair, Wayne. **Fort Wayne**—Allen. **Northwest Indiana**—Elkhart, Jasper, LaPorte, LaGrange, Lake, Marshall, Porter, St. Joseph, Starke. **Tucson**—Pima, Santa Cruz. **Milwaukee**—Milwaukee, Ozaukee, Washington, Waukesha. **Washington State**—Benton, Franklin, King, Lewis, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Thurston, Walla Walla, Whatcom, Yakima. **Portland (Oregon)**—Benton, Clackamas, Clatstop, Columbia, Hood River, Jackson, Lane, Multnomah, Linn, Wasco, Washington, Yamhill, Clark. **Utah**—Box Elder, Cache, Davis, Duchesne, Garfield, Iron, Juab, Millard, Salt Lake, Sampete, Sevier, Summit, Uintah, Utah, Wasatch, Washington, Weber.

Travelers


The Travelers Managed Care Networks as of 11/1/94
The Railroad Employees National Health and Welfare Plan
TheTravelers

Federal Railroad Administration Grade Crossing Signal System Safety Regulations



Effective: January 1, 1995

Pull Insert to Remove

THE RULE

In consideration of the foregoing, FRA amends chapter IIb of Title 49, Code of Federal Regulations as follows:

PART 212 -- [AMENDED]

1. The authority citation for part 212 is amended due to recodification of title 49 of the United States Code to read as follows:

Authority: 49 U.S.C. 20103, 20106, 20105, and 20113 (formerly Secs. 202, 205, 206, and 208, of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431, 434, 435, and 436)); and 49 CFR 1.49.

2. Section 212.231, "Inapplicable qualification requirements," is redesignated § 212.235, and new §§ 212.231 and 212.233 are added to read as follows:

§212.231 Highway-rail grade crossing inspector.

(a) The highway-rail grade crossing inspector is required, at a minimum, to be able to conduct independent inspections of all types of highway-rail grade crossing warning systems for the purpose of determining compliance with Grade Crossing Signal System Safety Rules (49 CFR Part 234), to make reports of those inspections, and to recommend institution of enforcement actions when appropriate to promote compliance.

(b) The highway-rail grade crossing inspector is required, at a minimum, to have at least four years of recent experience in highway-rail grade crossing construction or maintenance. A bachelor's degree in engineering or a related technical specialization may be substituted for two of the four years of this experience requirement. Successful completion of an apprentice training program under § 212.233 may be substituted for the four years of this experience requirement.

(c) The highway-rail grade crossing inspector shall demonstrate the following specific qualifications:

(1) A comprehensive knowledge of highway-rail grade crossing nomenclature, inspection techniques, maintenance requirements, and methods;

(2) The ability to understand and detect deviations from:

(i) grade crossing signal system maintenance, inspection and testing standards accepted in the industry; and

(ii) the Grade Crossing Signal System Safety Rules (49 CFR Part 234);

(3) Knowledge of operating practices and highway-rail grade crossing systems sufficient to understand the safety significance of deviations and combinations of deviations from § 212.231(c)(2)(i) and (ii);

(4) Specialized knowledge of the requirements of the Grade Crossing Signal System Safety Rules (49 CFR Part 234), including the remedial action required to bring highway-rail grade crossing signal systems into compliance with those Rules;

(5) Specialized knowledge of highway-rail grade crossing standards contained in the Manual on Uniform Traffic Control Devices; and

(6) Knowledge of railroad signal systems sufficient to ensure that highway-rail grade crossing warning systems and inspections of those systems do not adversely affect the safety of railroad signal systems.

(d) A State signal and train control inspector qualified under this part and who has demonstrated the ability to understand and detect deviations from the Grade Crossing Signal System Safety Rules (49 CFR Part 234) is deemed to meet all requirements of this section and is qualified to conduct independent inspections of all types of highway-rail grade crossing warning systems for the purpose of determining compliance with Grade Crossing Signal System Safety Rules (CFR 49 Part 234), to make reports of those inspections, and to recommend institution of enforcement actions when appropriate to promote compliance.

§ 212.233 Apprentice highway-rail grade crossing inspector.

(a) An apprentice highway-rail grade crossing inspector shall be enrolled in a program of training prescribed by the Associate Administrator for Safety leading to qualification as a highway-rail grade crossing inspector. The apprentice inspector may not participate in investigative and surveillance activities, except as an assistant to a qualified State or FRA inspector while accompanying that qualified inspector.

(b) Prior to being enrolled in the program the apprentice inspector shall demonstrate:

(1) Working basic knowledge of electricity;

(2) The ability to use electrical test equipment in direct current and alternating current circuits; and

(3) A basic knowledge of highway-rail grade crossing inspection and maintenance methods and procedures.

PART 234 — [AMENDED]

3. The authority citation for Part 234 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20108, 20111, 20112, 20114, 21301, 21302, 21304, and 21311 (formerly Secs. 202, 208, and 209 of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431, 437, and 438, as amended)); 49 U.S.C. 20901 and 20102 (formerly the Accident Reports Act (45 U.S.C. 38 and 42); and 49 CFR 1.49(f), (g), and (m).

4. Section 234.1 is revised to read as follows:

§ 234.1 Scope.

This part imposes minimum maintenance, inspection, and testing standards highway-rail grade crossing warning systems. This part also prescribes standards for the reporting of failures of such systems and prescribes minimum actions railroads must take when such warning systems malfunction. This part does not restrict a railroad from adopting and enforcing additional or more stringent requirements not inconsistent with this part.

5. Section 234.3 is revised to read as follows:

§ 234.3 Application.

This part applies to all railroads except:

(a) A railroad that exclusively operates freight trains only on track which is not part of the general railroad system of transportation;

(b) Rapid transit operations within an urban area that are not connected to the general railroad system of transportation; and

(c) A railroad that operates passenger trains only on track inside an installation that is insular; i.e., its operations are limited to a separate enclave in such a way that there is no reasonable expectation that the safety of the public - except a business guest, a licensee of the railroad or an affiliated entity, or a trespasser - would be affected by the operation. An operation will not be considered insular if one or more of the following exists on its line:

(1) A public highway-rail crossing that is in use;

(2) An at-grade rail crossing that is in use;

(3) A bridge over a public road or waters used for commercial navigation; or

(4) A common corridor with a railroad, i.e., its operations are within 30 feet of those of any railroad.

6. Section 234.4 is added to read as follows:

§ 234.4 Preemptive effect.

Under 49 U.S.C. 20106 (formerly § 205 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 434)), issuance of these regulations preempts any State law, rule, regulation, order, or standard covering the same subject matter, except a provision directed at an essentially local safety hazard that is consistent with this part and that does not impose an undue burden on interstate commerce.

7. Amend § 234.5 by removing paragraph designations, listing definitions in alphabetical order, and adding the following definitions to read as follows:

§ 234.5 Definitions.

* * * * *

"Appropriately equipped flagger" means a person other than a train crewmember who is equipped with an orange vest, shirt, or jacket for daytime flagging. For nighttime flagging, similar outside garments shall be retroreflective. The retroreflective material shall be either orange, white (including silver-colored coatings or elements that retroreflect white light), yellow, fluorescent red-orange, or fluorescent yellow-orange and shall be designed to be visible at a minimum distance of 1,000 feet. The design configuration of the retroreflective material shall provide recognition of the wearer as a human being and shall be visible through the full range of body motions. Acceptable hand signaling devices for daytime flagging include "STOP/SLOW" paddles and red flags. For nighttime flagging, a flashlight, lantern, or other lighted signal shall be used.

"Credible report of system malfunction" means specific information regarding a malfunction at an identified

highway-rail crossing, supplied by a railroad employee, law enforcement officer, highway traffic official, or other employee of a public agency acting in an official capacity.
* * * * *

"Warning system malfunction" means an activation failure or a false activation of a highway-rail grade crossing warning system.

§§ 234.15 and 234.17 redesignated § 234.6

8. Redesignate the heading and test of § 234.15, and the heading and text of § 234.17, as the heading and text of a new paragraph (a) of § 234.6 and the heading and text of paragraph (b) of § 234.6, respectively; add a new section heading for newly designated § 234.6; and revise the newly designated paragraph (a) of § 234.6 to read as follows:

§ 234.6 Penalties.

(a) Civil penalty. Any person (including but not limited to a railroad; any manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least $500, but not more than $10,000 per violation, except that: penalties may be assessed against individuals only for willful violations, and where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed $20,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. Appendix A to this part contains a schedule of civil penalty amounts used in connection with this rule.
* * * * *

9. Designate §§ 234.1 through 234.6 as "Subpart A--General" and designate §§ 234.7 through 234.13 as "Subpart B--Reports."

10. Add new "Subpart C--Response to Reports of Warning System Malfunction," and new "Subpart D--Maintenance, Inspection, and Testing," to read as follows:

Subpart C -- Response to Reports of Warning System Malfunction

Sec.
234.101 Employee notification rules.
234.103 Timely response to report of malfunction.
234.105 Activation failure.
234.107 False activation.
234-109. Recordkeeping.

Subpart D -- Maintenance, Inspection, and Testing

Maintenance Standards
234.201 Location of plans.
234.203 Control circuits.
234.205 Operating characteristics of warning system apparatus.
234.207 Adjustment, repair, or replacement of component.
234.209 Interference with normal functioning of system.
234.211 Locking of warning system apparatus.
234.213 Grounds.
234.215 Standby power system.
234.217 Flashing light units.
234.219 Gate arm lights and light cable.
234.221 Lamp voltage.
234.223 Gate arm.

234.225 Activation of warning system.
234.227 Train detection apparatus.
234.229 Shunting sensitivity.
234.231 Fouling wires.
234.233 Rail joints.
234.235 Insulated rail joints.
234.237 Switch equipped with circuit controller.
234.239 Tagging of wires and interference of wires or tags with signal apparatus.
234.241 Protection of insulated wire; splice in underground wire.
234.243 Wire on pole line and aerial cable.
234.245 Signs.

Inspections and Tests
234.247 Purpose of inspections and tests; removal from service of relay or device failing to meet test requirements.
234.249 Ground tests.
234.251 Standby power.
234.253 Flashing light units and lamp voltage.
234.255 Gate arm and gate mechanism.
234.257 Warning system operation.
234.259 Warning time.
234.261 Highway traffic signal pre-emption.
234.263 Relays.
234.265 Timing relays and timing devices.
234.267 Insulation resistance tests.
234.269 Cut-out circuits.
234.271 Insulated rail joints, bond wires, and track connections.
234.273 Results of tests.
Appendix A
Appendix B

§ 234.101 Employee notification rules.

Each railroad shall issue rules requiring its employees to report to persons designated by that railroad, by the quickest means available, any warning system malfunction.

§ 234.103 Timely response to report of malfunction.

(a) Upon receipt of a credible report of a warning system malfunction, a railroad having maintenance responsibility for the warning system shall promptly investigate the report and determine the nature of the malfunction. The railroad shall take appropriate action as required by § 234.207.

(b) Until repair or correction of the warning system is completed, the railroad shall provide alternative means of warning highway traffic and railroad employees in accordance with §§ 234.105 or 234.107 of this part.

(c) Nothing in this subpart requires repair of a warning system, if, acting in accordance with applicable State law, the railroad proceeds to discontinue or dismantle the warning system. However, until repair, correction, discontinuance, or dismantling of the warning system is completed, the railroad shall comply with this subpart to ensure the safety of the traveling public and railroad employees.

§ 234.105 Activation Failure.

Upon receipt of a credible report of warning system malfunction involving an activation failure, a railroad having maintenance responsibility for the warning system shall promptly initiate efforts to warn highway users and railroad employees at the subject crossing by taking the following actions:

(a) Prior to any train's arrival at the crossing, notify the train crew of the report of activation failure and notify any other railroads operating over the crossing;

(b) Notify the law enforcement agency having jurisdiction over the crossing, or railroad police capable of

responding and controlling vehicular traffic; and

(c) Provide for alternative means of actively warning highway users of approaching trains, consistent with the following requirements (see Appendix B for a summary chart of alternative means of warning):

(1)(i) If an appropriately equipped flagger provides warning for each direction of highway traffic, trains may proceed through the crossing at normal speed.

(ii) If at least one uniformed law enforcement officer (including a railroad police officer) provides warning to highway traffic at the crossing, trains may proceed through the crossing at normal speed.

(2) If an appropriately equipped flagger provides warning for highway traffic, but there is not at least one flagger providing warning for each direction of highway traffic, trains may proceed with caution through the crossing at a speed not exceeding 15 miles per hour. Normal speed may be resumed after the locomotive has passed through the crossing.

(3) If there is not an appropriately equipped flagger or law enforcement officer providing warning to highway traffic at the crossing, each train must stop before entering the crossing and permit a crewmember to dismount to flag highway traffic to a stop. The locomotive may then proceed through the crossing, and the flagging crewmember may reboard the locomotive before the remainder of the train proceeds through the crossing.

(d) A locomotive's audible warning device shall be activated in accordance with railroad rules regarding the approach to a grade crossing.

§ 234.107 False activation.

Upon receipt of a credible report of a false activation, a railroad having maintenance responsibility for highway-rail grade crossing warning system shall promptly initiate efforts to warn highway users and railroad employees at the crossing by taking the following actions:

(a) Prior to a train's arrival at the crossing, notify the train crew of the report of false activation and notify any other railroads operating over the crossing;

(b) Notify the law enforcement agency having jurisdiction over the crossing or railroad police capable of responding and controlling vehicular traffic; and

(c) Provide for alternative means of actively warning highway users of approaching trains, consistent with the following requirements (see Appendix B for a summary chart of alternative means of warning):

(1) (i) If an appropriately equipped flagger is providing warning for each direction of highway traffic, trains may proceed through the crossing at normal speed;

(ii) If at least one uniformed law enforcement officer (including a railroad police officer) provides warning to highway traffic at the crossing, trains may proceed through the crossing at normal speed.

(2) If there is not an appropriately equipped flagger providing warning for each direction of highway traffic, or if there is not at least one uniformed law enforcement officer providing warning, trains with the locomotive or cab car leading, may proceed with caution through the crossing at a speed not exceeding 15 miles per hour. Normal speed may be resumed after the locomotive has passed through the crossing. In the case of a shoving move, a crewmember shall be on the ground to flag the train through the crossing.

(3) In lieu of complying with paragraphs (c)(1) or (2) of this section, a railroad may temporarily take the warning system out of service if the railroad complies with all requirements of § 234.105, "Activation failure."

(d) A locomotive's audible warning device shall be activated in accordance with railroad rules regarding the approach to a grade crossing.

§ 234.109 Recordkeeping.

(a) Each railroad shall keep records pertaining to compliance with this subpart. Records may be kept on forms provided by the railroad or by electronic means. Each railroad shall keep the following information for each credible report of warning system malfunction:

(1) Location of crossing (by highway name and DOT/AAR Crossing Inventory Number);

(2) Time and date of receipt by railroad of report of malfunction;

(3) Actions taken by railroad prior to repair and reactivation of repaired system; and

(4) Time and date of repair.

(b) Each railroad shall retain for at least one year (from the latest date of railroad activity in response to a credible report of malfunction) all records referred to in paragraph (a) of this section. Records required to be kept shall be made available to FRA as provided by 45 U.S.C. 20107 (formerly § 208 of the Federal Railroad Safety

Act of 1970 (45 U.S.C. 437)).

Subpart D -- Maintenance, Inspection, and Testing

MAINTENANCE STANDARDS

§ 234.201 Location of plans.

Plans required for proper maintenance and testing shall be kept at each highway-rail grade crossing warning system location. Plans shall be legible and correct.

§ 234.203 Control circuits.

All control circuits that affect the safe operation of a highway-rail grade crossing warning system shall operate on the fail-safe principle.

§ 234.205 Operating characteristics of warning system apparatus.

Operating characteristics of electromagnetic, electronic, or electrical apparatus of each highway-rail crossing warning system shall be maintained in accordance with the limits within which the system is designed to operate.

§ 234.207 Adjustment, repair, or replacement of component.

(a) When any essential component of a highway-rail grade crossing warning system fails to perform its intended function, the cause shall be determined and the faulty component adjusted, repaired, or replaced without undue delay.

(b) Until repair of an essential component is completed, a railroad shall take appropriate action under § 234.105, "Activation failure," or § 234.107, "False activation," of this part.

§ 234.209 Interference with normal functioning of system.

(a) The normal functioning of any system shall not be interfered with in testing or otherwise without first taking measures to provide for safety of highway traffic that depends on normal functioning of such system.

(b) Interference includes, but is not limited to:

(1) Trains, locomotives or other railroad equipment standing within the system's approach circuit, other than normal train movements or switching operations, where the warning system is not designed to accommodate those activities.

(2) Not providing alternative methods of maintaining safety for the highway user while testing or performing work on the warning systems or on track and other railroad systems or structures which may affect the integrity of the warning system.

§ 234.211 Security of warning system apparatus.

Highway-rail grade crossing warning system apparatus shall be secured against unauthorized entry.

§ 234.213 Grounds.

Each circuit that affects the proper functioning of a highway-rail grade crossing warning system shall be kept free of any ground or combination of grounds that will permit a current flow of 75 percent or more of the release value of any relay or electromagnetic device in the circuit. This requirement does not apply to: circuits that include track rail; alternating current power distribution circuits that are grounded in the interest of safety; and common return wires of grounded common return single break circuits.

§ 234.215 Standby power system.

A standby source of power shall be provided with sufficient capacity to operate the warning system during any period of primary power interruption.

§ 234.217 Flashing light units.

(a) Each flashing light unit shall be properly positioned and aligned and shall be visible to a highway user approaching the crossing.

(b) Each flashing light unit shall be maintained to prevent dust and moisture from entering the interior of the

unit. Roundels and reflectors shall be clean and in good condition.

(c) All light units shall flash alternately. The number of flashes per minute for each light unit shall be 35 minimum and 65 maximum.

§ 234.219 Gate arm lights and light cable.

Each gate arm light shall be maintained in such condition to be properly visible to approaching highway users. Lights and light wire shall be secured to the gate arm.

§ 234.221 Lamp voltage.

The voltage of each lamp shall be maintained at not less than 85 percent of the prescribed rating for the lamp.

§ 234.223 Gate arm.

Each gate arm, when in the downward position, shall extend across each lane of approaching highway traffic and shall be maintained in a condition sufficient to be clearly viewed by approaching highway users. Each gate arm shall start its downward motion not less than three seconds after flashing lights begin to operate and shall assume the horizontal position at least five seconds before the arrival of any train at the crossing. At those crossings equipped with four quadrant gates, the timing requirements of this section apply to entrance gates only.

§ 234.225 Activation of warning system.

A highway-rail grade crossing warning system shall be maintained to activate in accordance with the design of the warning system, but in no event shall it provide less than 20 seconds warning time before the grade crossing is occupied by rail traffic.

§ 234.227 Train detection apparatus.

(a) Train detection apparatus shall be maintained to detect a train or railcar in any part of a train detection circuit, in accordance with the design of the warning system.

(b) If the presence of sand, rust, dirt, grease, or other foreign matter is known to prevent effective shunting, a railroad shall take appropriate action under § 234.105, "Activation failure," to safeguard highway users.

§ 234.229 Shunting sensitivity.

Each highway-rail grade crossing train detection circuit shall detect the application of a shunt of 0.06 ohm resistance when the shunt is connected across the track rails of any part of the circuit.

§234.231 Fouling wires.

Each set of fouling wires in a highway-rail grade crossing train detection circuit shall consist of at least two discrete conductors. Each conductor shall be of sufficient conductivity and shall be maintained in such condition to ensure proper operation of the train detection apparatus when the train detection circuit is shunted.

§ 234.233 Rail joints.

Each non-insulated rail joint located within the limits of a highway-rail grade crossing train detection circuit shall be bonded by means other than joint bars and the bonds shall be maintained in such condition to ensure electrical conductivity.

§ 234.235 Insulated rail joints.

Each insulated rail joint used to separate train detection circuits of a highway-rail grade crossing shall be maintained to prevent current from flowing between rails separated by the insulation in an amount sufficient to cause a failure of the train detection circuit.

§ 234.237 Switch equipped with circuit controller.

A switch, when equipped with a switch circuit controller connected to the point and interconnected with warning system circuitry, shall be maintained so that the warning system can only be cut out when the switch point is within one-half inch of full reverse position.

§ 234.239 Tagging of wires and interference of wires or tags with signal apparatus.

Each wire shall be tagged or otherwise so marked that it can be identified at each terminal. Tags and other marks of identification shall be made of insulating material and so arranged that tags and wires do not interfere with moving parts of the apparatus.

§ 234.241 Protection of insulated wire; splice in underground wire.

Insulated wire shall be protected from mechanical injury. The insulation shall not be punctured for test purposes. A splice in underground wire shall have insulation resistance at least equal to that of the wire spliced.

§ 234.243 Wire on pole line and aerial cable.

Wire on a pole line shall be securely attached to an insulator that is properly fastened to a crossarm or bracket supported by a pole or other support. Wire shall not interfere with, or be interfered with by, other wires on the pole line. Aerial cable shall be supported by messenger wire. An open-wire transmission line operating at voltage of 750 volts or more shall be placed not less than 4 feet above the nearest crossarm carrying active warning system circuits.

§ 234.245 Signs.

Each sign mounted on a highway-rail grade crossing signal post shall be maintained in good condition and be visible by the highway user.

Inspections and Tests

§ 234.247 Purpose of inspections and tests; removal from service of relay or device failing to meet test requirements.

The inspections and tests set forth in §§ 234.249 through 234.271 shall be made to determine if the warning system and its component parts are maintained in a condition to perform their intended function. Any electronic device, relay, or other electromagnetic device that fails to meet the requirements of tests required by this part shall be removed from service and shall not be restored to service until its operating characteristics are in accordance with the limits within which such device or relay is designed to operate.

§ 234.249 Ground tests.

A test for grounds on each energy bus furnishing power to circuits that affect the safety of warning system operation shall be made when such energy bus is placed in service and at least once each month thereafter.

§ 234.251 Standby power.

Standby power shall be tested at least once each month.

§ 234.253 Flashing light units and lamp voltage.

(a) Each flashing light unit shall be inspected when installed and at least once every twelve months for proper alignment and frequency of flashes in accordance with installation specifications.

(b) Lamp voltage shall be tested when installed and at least once every 12 months thereafter.

(c) Each flashing light unit shall be inspected for proper visibility, dirt and damage to roundels at least once each month.

§ 234.255 Gate arm and gate mechanism.

(a) Each gate arm and gate mechanism shall be inspected at least once each month.

(b) Gate arm movement shall be observed for proper operation at least once each month.

(c) Hold-clear devices shall be tested for proper operation at least once every 12 months.

§ 234.257 Warning system operation.

(a) Each highway-rail crossing warning system shall be tested to determine that it functions as intended when it is placed in service. Thereafter, it shall be tested at least once each month and whenever modified or disarranged.

(b) Warning bells or other stationary audible warning devices shall be tested when installed to determine that they function as intended. Thereafter, they shall be tested at least once each month and whenever modified or disarranged.

§ 234.259 Warning time.

Each crossing warning system shall be tested for the prescribed warning time at least once every 12 months. Electronic devices that accurately determine actual warning time may be used in performing such tests.

§ 234.261 Highway traffic signal pre-emption.

Highway traffic signal pre-emption interconnections, for which a railroad has maintenance responsibility, shall be tested at least once each month.

§ 234.263 Relays.

(a) Except as stated in paragraph (b) of this section, each relay that affects the proper functioning of a crossing warning system shall be tested at least once every four years.

(b) (1) Alternating current vane type relays, direct current polar type relays, and relays with soft iron magnetic structure shall be tested at least once every two years.

(2) Alternating current centrifugal type relays shall be tested at least once every 12 months.

§ 234.265 Timing relays and timing devices.

Each timing relay and timing device shall be tested at least once every twelve months. The timing shall be maintained at not less than 90 percent nor more than 110 percent of the predetermined time interval. The predetermined time interval shall be shown on the plans or marked on the timing relay or timing device.

§ 234.267 Insulation resistance tests.

(a) Insulation resistance tests shall be made when wires or cables are installed and at least once every ten years thereafter.

(b) Insulation resistance tests shall be made between all conductors and ground, between conductors in each multiple conductor cable, and between conductors in trunking. Insulation resistance tests shall be performed when wires, cables, and insulation are dry.

(c) Subject to paragraph (d) of this section, when insulation resistance of wire or cable is found to be less than 500,000 ohms, prompt action shall be taken to repair or replace the defective wire or cable. Until such defective wire or cable is replaced, insulation resistance tests shall be made annually.

(d) A circuit with a conductor having an insulation resistance of less than 200,000 ohms shall not be used.

§ 234.269 Cut-out circuits.

Each cut-out circuit shall be tested at least once every three months to determine that the circuit functions as intended. For purposes of this section, a cut-out circuit is any circuit which overrides the operation of automatic warning systems. This includes both switch cut-out circuits and devices which enable personnel to manually override the operation of automatic warning systems.

§ 234.271 Insulated rail joints, bond wires, and track connections.

Insulated rail joints, bond wires, and track connections shall be inspected at least once every three months.

§ 234.273 Results of tests.

(a) Results of tests made in compliance with this part shall be recorded on forms provided by the railroad, or by electronic means, subject to approval by the Associate Administrator for Safety. Each record shall show the name of the railroad, AAR/DOT inventory number, place and date, equipment tested, results of tests, repairs, replacements, adjustments made, and condition in which the apparatus was left.

(b) Each record shall be signed or electronically coded by the employee making the test and shall be filed in the office of a supervisory official having jurisdiction. Records required to be kept shall be made available to FRA as provided by 45 U.S.C. 20107 (formerly § 208 of the Federal Railroad Safety Act of 1970 (45. U.S.C. 437)).

(c) Each record shall be retained until the next record for that test is filed but in no case for less than one year from the date of the test.

APPENDIX A TO PART 234 — SCHEDULE OF CIVIL PENALTIES[1]

Section		Violation	Willful Violation
Subpart B — Reports			
234.7	Accidents involving grade crossing signal failure.	$ 5,000	$ 7,500
234.9	Grade crossing signal system failure reports.	2,500	5,000
234.11	Railroad Rules.	2,500	5,000
234.13	Grade crossing signal system information.	2,500	5,000
Subpart C — Response to Reports of Warning System Malfunction			
234.101	Employee notification rules.	2,500	5,000
234.103	Timely response to report of malfunction.	2,500	5,000
234.105	Activation failure.		
	(a) failure to notify —		
	train crews	5,000	7,500
	other railroads	5,000	7,500
	(b) failure to notify law enforcement agency	2,500	5,000
	(c) failure to comply with —		
	flagging requirements	5,000	7,500
	speed restrictions	5,000	7,500
	(d) failure to activate horn or whistle	5,000	7,500
234.107	False activation.		
	(a) failure to notify —		
	train crews	5,000	7,500
	other railroads	5,000	7,500
	(b) failure to notify law enforcement agency	2,500	5,000
	(c) failure to comply with —		
	flagging requirements	5,000	7,500
	speed restrictions	5,000	7,500
	(d) failure to activate horn or whistle	5,000	7,500

Subpart D — Maintenance, Inspection, and Testing

Maintenance Standards

234.201 Location of plans.	1,000	2,000
234.203 Control circuits.	1,000	2,000
234.205 Operating characteristics of warning system apparatus.	2,500	5,000
234.207 Adjustment, repair or replacement of component.	2,500	5,000
234.209 Interference with normal functioning of system.	5,000	7,500
234.211 Locking of warning system apparatus.	1,000	2,000
234.213 Grounds.	1,000	2,000
234.215 Standby power system.	5,000	7,500
234.217 Flashing light units.	1,000	2,000
234.219 Gate arm lights and light cable.	1,000	2,000
234.221 Lamp voltage.	1,000	2,000
234.223 Gate arm.	1,000	2,000
234.225 Activation of warning system.	5,000	7,500
234.227 Train detection apparatus.	2,500	5,000
234.229 Shunting sensitivity.	2,500	5,000
234.231 Fouling wires.	1,000	2,000
234.233 Rail joints.	1,000	2,000
234.235 Insulated rail joints.	1,000	2,000
234.237 Switch equipped with circuit controller.	1,000	2,000
234.239 Tagging of wires and interference of wires or tags with signal apparatus.	1,000	2,000
234.241 Protection of insulated wire; splice in underground wire.	1,000	2,000
234.243 Wire on pole line and aerial cable.	1,000	2,000
234.245 Signs.	1,000	2,000

Inspection and Tests

234.247 Purpose of inspections and tests; removal from service of relay or device failing to meet test requirements.	2,500	5,000
234.249 Grounds tests.	2,500	5,000
234.251 Standby power.	5,000	7,500
234.253 Flashing light units and lamp voltage.	1,000	2,000
234.255 Gate arm and gate mechanism.	1,000	2,000
234.257 Warning system operation.	2,500	5,000
234.259 Warning time.	1,000	2,000
234.261 Highway traffic signal pre-emption.	1,000	2,000
234.263 Relays.	1,000	2,000
234.256 Timing relays and timing devices.	1,000	2,000
234.267 Insulation resistance tests.	2,500	5,000
234.269 Cut-out circuits.	1,000	2,000
234.271 Insulated rail joints, bond wires, and track connections.	2,500	5,000
234.273 Results to tests.	1,000	2,000

[1]A penalty may be assessed against an individual only for a willful violation. The Administrator reserves the right to assess a penalty of up to $20,000 for any violation where circumstances warrant. See 49 CFR Part 209, Appendix A.

APPENDIX B TO PART 234

Alternate Methods of Protection under 49 CFR §§ 234.105(c) and 234.107(c)

This is a summary — see body of text for complete requirements

	FLAGGER FOR EACH DIRECTION OF TRAFFIC	POLICE OFFICER PRESENT	FLAGGER PRESENT, BUT NOT ONE FOR EACH DIRECTION OF TRAFFIC	NO FLAGGER/ NO POLICE
FALSE ACTIVATION	Normal Speed	Normal Speed	Proceed with caution — maximum speed of 15 mph	Proceed with caution — maximum speed of 15 mph
ACTIVATION FAILURE	Normal Speed	Normal Speed	Proceed with caution — maximum speed of 15 mph	Stop: Crewmember flag traffic and reboard

Railroad Retirement INFORMATION

Preventing Railroad Retirement Benefit Overpayments

Rights to benefits under the Railroad Retirement Act also carry responsibilities for reporting events that may affect the payment of these benefits to the employee or to members of the employee's family. The Railroad Retirement Board informs annuitants of the events they are obligated to report; and, if an annuitant does not comply, benefit overpayments can occur that have to be repaid, sometimes with interest and penalties.

The major events that can affect the payment of a railroad retirement annuity and, when not properly reported, result in benefit overpayments are:

* social security or certain other benefit awards, and changes in the amount of such benefit payments;
* post-retirement work and earnings;
* changes in marital status or a child leaving the care of a spouse or widow(er);
* the death of an annuitant.

The following questions and answers describe how these events affect railroad retirement benefits and what annuitants should do if these events occur to prevent overpayments.

1. What causes the greatest number of railroad retirement annuity overpayments?

The single greatest number of overpayments results from social security awards.

A portion of a railroad retirement annuity, known as Tier I, approximates a social security benefit, based on railroad retirement and social security credits, and is consequently reduced by the amount of any social security benefit also payable to the annuitant. Since 1975, if a railroad retirement annuitant is also awarded a social security benefit, the Social Security Administration determines the amount due, but the combined monthly dual benefit payment is issued by the Railroad Retirement Board after the necessary reduction in the railroad retirement annuity.

A person should notify the Board when he or she files for social security benefits. If the Social Security Administration begins paying benefits directly to a railroad retirement annuitant, or to a person eligible for future railroad retirement benefits, without coordinating those benefits through the Board, that person should also notify a Board field office immediately. This frequently occurs when a railroad employee's spouse or widow is awarded social security benefits not based on the employee's earnings.

Also, annuitants who are receiving their social security benefits directly from the Social Security Administration must notify the Board if their social security benefits are subsequently increased for any reason other than annual cost-of-living increases, such as recomputation to reflect post-retirement earnings. As such recomputations are usually retroactive, they can result in substantial overpayments.

While social security benefit information is eventually provided to the Railroad Retirement Board as a result of routine information exchanges between the Board and the Social Security Administration, it will generally not be provided in time to avoid a substantial benefit overpayment.

2. What other benefit payments, besides social security benefits, require dual benefit reductions in railroad retirement annuities and should be reported to the Board?

For retired employees first eligible for a railroad retirement annuity and a Federal, State or local government pension after 1985, a reduction may be required for receipt of a public service pension based, in part or in whole, on employment not covered by social security after 1956. This also applies to certain other payments not covered by social security, such as payments from a non-profit organization or from a foreign government or a foreign employer. If an employee is receiving a disability annuity, employee or spouse benefits may also, under certain circumstances, be reduced for receipt of worker's compensation or public disability benefits.

A portion of a spouse or widow(er)'s annuity may also be reduced for receipt of any Federal, State or local pension separately payable to the spouse or widow(er) based on her or his own earnings, unless the employment on which the public pension is based was covered by social security on the last day of public employment.

If annuitants become entitled to any of the above payments, they should promptly notify the Board. If there is

any question as to whether a payment requires a reduction in an annuity, a Board field office should be contacted.

3. What other event is a major cause of railroad retirement overpayments?

Unreported post-retirement work and earnings in nonrailroad employment are the second greatest cause of overpayments in railroad retirement annuities. Like social security benefits, certain railroad retirement benefits paid to annuitants who are under age 70 are subject to earnings deductions if post-retirement earnings exceed certain exempt amounts, which increase annually. Annual earnings in 1994 up to $11,160 for those ages 65-69 and $8,040 for those under age 65 are exempt from deductions.

Annuitants who work after retirement and expect that their earnings for a year will be more than the annual exempt amount must promptly notify the nearest Board field office and furnish an estimate of their expected earnings. This way their annuities can be adjusted to take the excess earnings into consideration and prevent an overpayment. Annuitants whose original estimate changes significantly during the year, either upwards or downwards, should also notify the Board.

Also, retired employees and spouses who work for their last pre-retirement nonrailroad employer are subject to additional earnings deductions, which apply even if earnings do not exceed the annual exempt earnings limits and continue to apply after the attainment of age 70. Retired employees and spouses should therefore promptly notify the Board if they return to employment for their last pre-retirement nonrailroad employer, or if the amount of their earnings from such employment changes.

4. How do post-retirement earnings affect disability annuities?

Special restrictions limiting earnings to $400 per month, exclusive of disability-related work expenses, apply to disabled railroad retirement employee annuitants.

In any case, work performed by a disabled annuitant may be considered an indication of an individual's recovery from disability, regardless of the amount of earnings. Therefore, any earnings by a disability annuitant must be reported promptly to avoid potential overpayments.

These disability work restrictions apply until the disabled employee annuitant is age 65, when the annuitant becomes subject to the work and earnings restrictions applicable to employee annuities based on age and service. This transition is effective no earlier than age 65 even if the annuitant had 30 years of service.

5. What effects does railroad work have on an annuity?

No railroad retirement annuity is payable for any month in which an employee, spouse or survivor annuitant performed compensated service for a railroad or railroad union. This includes local lodge compensation totaling $25 or more for any calendar month, and work by a local lodge or division secretary collecting insurance premiums, regardless of the amount of salary. Employees born before September 2, 1916, who work for a railroad or railroad union after certain dates would have their supplemental annuities permanently terminated.

6. What are some other events that can affect payments to auxiliary beneficiaries, such as spouse and widow(er)s, that should be reported?

A spouse, or divorced spouse, must immediately notify the Board if the railroad employee upon whose service the annuity is based dies. A spouse must notify the Board if her or his marriage ends in divorce or annulment and a divorced spouse must notify the Board if she or he remarries.

Also, benefits paid to spouses, widow(er)s and surviving divorced spouses that are based on the beneficiary caring for an unmarried child of the employee are normally terminated by the Board when the child attains age 18 (16 for a surviving divorced spouse) recovers from disability. However, the Board must be notified if the child leaves the beneficiary's care or marries.

7. What should be done when a railroad retirement annuitant dies?

Survivors should notify the Board immediately upon the death of any retirement or survivor annuitant. Payment of a railroad retirement annuity stops upon an annuitant's death and the annuity is not payable for any day in the month of death. This is true regardless of how late in the month death occurs and there is no provision for prorating such a payment. Any payments received after the annuitant's death must be returned. The sooner the Board is notified, the less chance there is of payments continuing and an overpayment accruing. The Board would also determine whether any survivor benefits due are payable by the Board or the Social Security Administration.

Continued receipt of a deceased annuitant's benefit payments may be considered fraud subject to prosecution.

8. Can an annuitant contest a decision that he or she has been overpaid?

Annuitants who believe a decision regarding a benefit overpayment is incorrect may ask for reconsideration and/or waiver of the overpayment. If not satisfied with the initial review, the annuitant may appeal to the Board's Bureau of Hearings and Appeals. Further appeals can be carried to the three-member Board itself, and beyond the Board to Federal courts.

9. How can an annuitant find out if an event might affect his or her railroad retirement benefit payments?

Annuitants should contact the nearest field office of the Board for information. If they write they should be sure to include their railroad retirement claim number. *In any situation, the best rule of thumb is "If in doubt--report."* The field office can not only advise the annuitant as to how a particular event would affect benefits but, in many cases, can take any necessary action at the field office level.

To locate the nearest Board field office, annuitants should look in the telephone directory under "United States Government," or check with their local union official, rail employer, post office, or Federal Information Center. Most Board field offices are open to the public from 9:00 a.m. to 3:30 p.m., Monday through Friday.

1995 Railroad Retirement Taxes

While regular railroad retirement tax rates are not changed for 1995, the amounts of compensation subject to these payroll taxes are scheduled to increase in January 1995 as a result of indexing to average national wage increases.

The railroad retirement tier I tax rate of 7.65 percent for employers and employees, which is the same as the social security tax and for withholding and reporting purposes is divided into 6.20 percent for retirement and 1.45 percent for Medicare hospital insurance, remains the same. However, the maximum amount of an employee's earnings subject to the 6.20 percent rate will increase to $61,200 in 1995 from $60,600 in 1994. There is no maximum on earnings subject to the 1.45 percent Medicare rate; all of an employee's compensation is subject to the Medicare tax.

The maximum amount of earnings subject to the railroad retirement tier II tax of 4.90 percent on employees, and 16.10 percent on employers, will increase to $45,300 from $45,000.

In 1994, the regular railroad retirement tax on an employee earning $60,600 was $6,840.90 and the employer's regular railroad retirement tax on such an employee was $11,880.90. In 1995, the railroad retirement tax on an employee earning $61,200 will be $6,901.50 compared to $4,681.80 under social security, and the employer's tax will be $11,975.10.

The rate of the supplemental railroad retirement annuity tax paid by rail employers is determined quarterly by the Railroad Retirement Board. The rate for all four quarters of 1994 has been 30 cents per work-hour; the rate for the first quarter of 1995 will be announced later in 1994.

Employers also pay basic railroad unemployment insurance taxes, which are experience rated by employer. In 1995, the basic unemployment insurance tax rates on railroad employers will range from a minimum of 0.65 percent to a maximum of 12 percent on monthly employee compensation up to $850. New employers in 1995 will initially pay a basic tax rate of 4.15 percent. About three-fourths of all employers will be assessed the minimum basic rate of 0.65 percent, which is $5.53 per month per employee in 1995.

The temporary unemployment insurance repayment tax, which had been paid by employers in addition to the basic employer tax since 1986 in order to retire the Railroad Unemployment Insurance Account's debt to the Railroad Retirement Account, ended in June 1993 when the debt was fully repaid with interest.

The railroad unemployment and sickness benefit programs are financed solely by payroll taxes on railroad employers; employees are not subject to these taxes.

CHANGE OF STATUS FORM

Please advise us of any changes. If you move or if the mailing label on this issue of The Signalman's Journal fails to reflect a current address or receiving party, please fill out this form, tape or paste the mailing label in the space provided and mail the form to:

The Brotherhood of Railroad Signalmen
Box U
Mount Prospect IL 60056-9048
Attn. Records Dept.

Name _____

Street or Box No. _____

_____
(City) (State) (Zip Code)

Local No._____ **Cert. No.** _____

Active( ) Retired( ) Non-Member( ) Deceased( )
(Check appropriate member status)

Attach mailing label or write information here:

Retiree Earnings Limits To Rise

Railroad retirement annuitants who work after retirement can earn more in 1995 without having their benefits reduced, as a result of increases in earnings limits indexed to average national wage increases.

Exempt Earnings

Railroad retirement annuities generally consist of tier I and tier II benefits and may include certain vested dual benefit payments and/or supplemental annuities. Like social security benefits, railroad retirement tier I benefits and vested dual benefits paid to employees and spouses, and tier I and tier II benefits paid to survivors, are subject to earnings deductions if post-retirement earnings exceed certain exempt amounts. For those under age 65, the exempt earnings amount rises to $8,160 in 1995 from $8,040 in 1994. For beneficiaries ages 65 through 69, the exempt earnings amount rises to $11,280 in 1995 from $11,160 in 1994.

For those under age 65, the earnings deduction is $1 in benefits for every $2 of earnings over the exempt amount. For those ages 65-69, the deduction is $1 for every $3 of earnings over the exempt amount. But, a railroad retirement spouse annuity is subject to reductions not only for the spouse's earnings, but also for the earnings of the employee on whose service the spouse annuity is based.

Special Rule

A special rule applies to earnings for *one* year, usually the first year of retirement. Under this rule, a full annuity can be paid, regardless of annual earnings, for any month in which a person is "retired" and monthly earnings do not exceed a certain limit. In 1995 these monthly limits are $680 for beneficiaries under age 65, and $940 for those ages 65-69.

Earnings Limitations

Earnings consist of all wages received for services rendered, plus any net earnings from self-employment. Interest, dividends, certain rental income or income from stocks, bonds, or other investments are not considered earnings for this purpose.

These earnings limitations do not apply to any annuitants age 70 or older, starting with the month in which they are 70. Regardless of age and/or earnings, no railroad retirement annuity is payable for any month in which an annuitant (retired employee, spouse or survivor) works for a railroad.

Retired employees and spouses who work for their last pre-retirement nonrailroad employer are subject to an additional earnings deduction, which does not change from year to year. Such employment will reduce tier II benefits and supplemental annuity payments, which are not otherwise subject to earnings deductions, by $1 for each $2 of compensation received, subject to a maximum reduction of 50 percent. The deductions in the tier II benefits and supplemental annuities of individuals who work for their last pre-retirement nonrailroad employers apply even if earnings do not exceed the tier I exempt earnings limits. Also, while tier I and vested dual benefit earnings deductions stop when an annuitant attains age 70, these tier II and supplemental annuity deductions continue to apply after the attainment of age 70. An employee's work for a last pre-retirement nonrailroad employer will cause a reduction in the spouse's tier II benefit.

Disability Annuitants

The special restrictions which apply to disability annuitants do not change in 1995. The amount disabled railroad retirement employee annuitants can earn without reducing their benefits is $400 per month, exclusive of disability-related work expenses. While a disabled employee's annuity is not payable for any month in which he or she earns more than $400 in any employment or self-employment, withheld payments will be restored if earnings for the year are less than $5,000. Otherwise, the annuity is subject to a deduction of one month's benefit for each multiple of $400 earned over $4,800 (the last $200 or more of earnings over $4,800 counts as $400). However, if a disabled annuitant works after retirement, this may also raise a question about the possibility of that individual's recovery from disability, regardless of the amount of earnings, and must be reported.

Annuitants with post-retirement earnings as described above must be sure to report them to the Railroad Retirement Board in order to avoid incurring a benefit overpayment which would have to be repaid.

Annuitants with any questions about how earnings may affect the payment of their railroad retirement benefits should contact the nearest Board field office. To locate the nearest Board office, annuitants should look in the telephone directory under "United States Government," or check with their local union official, rail employer, post office, or Federal Information Center.

$150,000 In Union MasterCard Scholarships To Be Awarded In 1995

The highly successful Union Privilege Union MasterCard® Scholarship Program plans to provide $150,000 in awards to students representing AFL-CIO unions again in 1995.

The Union MasterCard Scholarship Program, now in its fourth year, is open to all BRS members, as well as their spouses and children. The program offers one-time cash grants of $500 to $4,000 to help defray the costs of higher education.

Members interested in receiving 1995 scholarship applications should send their requests on a postcard, with their name, phone number and return address clearly printed on it to:

Union MasterCard Scholarship
P.O. Box 9389
Minneapolis, MN 55440-9389

The application deadline is March 15, 1995. Scholarship recipients will be announced June 30, 1995 (only winners will be notified). Applicants interested in receiving confirmation of the receipt of their application should enclose self-addressed, stamped postcards along with their postcard applications; phone call inquiries will not be accepted, either for receipt of application or for award status.

To qualify, applicants must be accepted into or be attending an accredited university, college or community college, or a recognized trade or technical school by June 30, 1995. Graduate students are not eligible.

At least one year of continuous, good-standing membership in a union that participates in the Union MasterCard Program is required for a member or a dependent of a member to apply. However, members need not be Union MasterCard credit card carriers in order to qualify.

Award Criteria

Applicants will be selected based on academic achievement and potential, character, leadership abilities, social awareness, career goals and financial need. Along with the entry form, each applicant must submit one reference, verification of union membership, and an essay of 500 words on his or her interests and aspirations, as well as an explanation as to why he or she is deserving of a union scholarship.

So far, the Union MasterCard Scholarship Program has awarded over $330,000 to more than 200 scholarship recipients from AFL-CIO unions. Recipients have ranged from high school valedictorians to unemployed union members to students with disabilities; however, the qualities each have in common include an outstanding academic track record, and an understanding of and a commitment to the labor movement.

The Union MasterCard Scholarship Program is funded by Union Privilege, Affinity Group Marketing Inc. and The Bank of New York (Delaware). Union MasterCard offers union members and their families a no-annual-fee MasterCard credit card with one of the lowest rates in the nation. The Union MasterCard credit card's variable Annual Percentage Rate (APR) of 12.75 percent (as of October 15, 1994)* remains more than five points below the national average.

**Note: Variable 12.75 percent APR as of October 15, 1994; adjusted quarterly by The Bank of New York (Delaware), an equal-opportunity lender.*

Federal Drug And Alcohol Testing Procedures Revised

The Federal Railroad Administration (FRA) implemented a series of technical amendments to the drug and alcohol testing program for railroad workers on September 19, 1994. These amendments correspond to guidelines established by the Department of Health and Human Services (DHHS) and are designed to conform to accepted drug and alcohol testing procedures.

The technical amendments derived from the DHHS guidelines are intended to enhance the efficiency of the drug and alcohol testing process while maintaining high standards of reliability and accuracy to protect the rights of railroad workers.

The most significant rule changes involve new threshold detection levels for certain drugs, clarification of chain of custody procedures, deleting a requirement for a second "air blank" after a confirmed alcohol test, expanded temperature range of urinalysis samples and narrowing the list of approved alcohol breath testing devices.

Use of Medication

In addition to the rule changes, FRA issued a statement declaring that rail workers are prohibited from using medications containing alcohol while on duty and during the four hour pre-duty abstinence period. FRA stressed that the term "alcohol" includes ethanol, methyl and isopropyl alcohol. Each type of alcohol is prohibited under the federal rules.

FRA noted that virtually all medications, both over-the-counter medicine and prescription drugs, are available in non-alcoholic or "dry" form. Railroad employees should be sure to request non-alcoholic medications from their physicians and pharmacists.

The rule changes come at a time when the railroad industry's drug and alcohol testing program continues to show outstanding success. Recently released figures indicate that of the 42,000 railroad workers required to submit to random drug tests in 1993, 0.7% tested positive. That figure is lower than the 0.8% positive rate of the preceding year and marks the fourth consecutive year that the positive test rate has declined.

Post-accident testing also showed improvement in 1993, with a 2% positive rate, down from 2.1% in 1992. Also, last year not a single fatal railroad accident involved drugs or alcohol.

Highlights of changes in FRA's drug testing procedures:

Cutoff For Marijuana

- The initial urinalysis testing cutoff level for marijuana has been reduced to 50 nanograms per milliliter (ng/ml); formerly the cutoff level was 100 ng/ml. Test results below the cutoff levels are considered negative. The lower cutoff levels reflect greater accuracy in testing methods and procedures.

Cutoff For Methamphetamine

- Also, the confirmation testing cutoff level for methamphetamine has been changed. Formerly, the detection of at least 500 ng/ml of both methamphetamine and amphetamine was required for a test to be considered positive. Under the new standards the detection of 200 ng/ml of amphetamine along with 500 ng/ml of methamphetamine constitutes a positive finding for methamphetamine.

Chain of Custody Form

- The new rules also require that all railroads use a standardized chain of custody form. Currently, railroads use their own forms; however, by February 16, 1995, all drug test samples must be accompanied by a standard Department of Transportation chain of custody form.

Chain of Custody Procedures

- Chain of custody procedures have been modified to clearly state that couriers and delivery personnel who transport samples between the collection site and the testing laboratory are not required to sign or make entries on the chain of custody form. FRA stresses that it has never required delivery personnel to sign the chain of custody and that these new regulations merely serve to clarify existing procedures.

FRA maintains that specimen containers are sealed at the collection site and then placed in sealed packages, along with the chain of custody form, for delivery to a testing laboratory. The FRA reasons that if delivery personnel were required to sign the chain of custody form, it would be necessary for them to open the sealed packages, thus increasing the likelihood of tampering or mishap. Furthermore, delivery personnel play no part in either the collection or testing of the samples and therefore have no significant role in the drug testing process.

Testing of a Split Sample

- A new provision deals with testing of a "split sample". At the urging of rail labor, Congress required that urinalysis samples be "split" into two separate containers. If the primary sample tests positive, the employee may request that the second or "split" sample be tested. The new rules outline drug testing procedures in cases where one of the split samples leaks or becomes lost. Under these circumstances the lab shall test the primary sample in the usual manner. However, if the primary sample tests positive and the employee requests that the split sample be tested, the entire test will then be canceled due to the lack of the second sample.

Expanded Temperature Range For Urinalysis

- The new rules also expand the allowable temperature range for a urinalysis sample to 90-100 degrees Fahrenheit. Urinalysis samples outside of the prescribed temperature range are considered adulterated and considered as grounds that the employee altered the specimen. The previous allowable temperature range was 90.5-99.8 degrees Fahrenheit.

FRA also made technical revisions to its alcohol testing procedures. These revisions include the following:

Evidential Breath Testing

- Stricter standards have been placed on the types of Evidential Breath Testing devices (EBTs) that must be used for performing breath alcohol tests. The new rules restrict a carrier's choice of EBTs solely to those testing devices listed on the National Highway Traffic Safety Administrations's (NHTSA) Conforming Products List of September 1993. Previously, carriers were permitted to use older model EBTs that do not meet current NHTSA specifications.

Air Blank Check

- Alcohol testing technicians need only perform an "air blank" check prior to conducting an alcohol test. Originally, air blank checks were required both before and after an alcohol breath test was administered.

An air blank is a method to determine that the air inside an EBT is not contaminated with traces of alcohol. It is essential that testing devices be free from alcohol when a breath test is performed to prevent against a false positive finding. Therefore, FRA requires that an air blank reading be taken immediately prior to performing each and every breath alcohol test. However, air blank readings are unnecessary and serve no real purpose after a breath test has been completed.

Medical Review Officers

The FRA also devised stringent standards to prevent possible conflicts of interest between carrier Medical Review Officers (MROs) and drug testing laboratories. The rules prohibit any relationship between MROs and laboratories that would even give the appearance of a conflict of interest. Railroad MROs are also prohibited from obtaining any financial benefit from a testing laboratory.

Railroad Retirement Benefit Increases

Railroad retirement annuities, like social security benefits, are scheduled to increase in January 1995 on the basis of the rise in the Consumer Price Index (CPI) during the 12 months preceding October 1994.

Cost-of-living increases are calculated in both the tier I and tier II benefits included in a railroad retirement annuity. Tier I benefits, like social security benefits, will increase by 2.8 percent, which is the percentage of the CPI rise. Tier II benefits will increase by 0.9 percent, which is 32.5 percent of the CPI rise. Vested dual benefit payments and supplemental annuities also paid by the Railroad Retirement Board are not adjusted for the CPI rise.

In January 1995, the average regular railroad retirement employee annuity will increase $24 to $1,119 a month and the average of combined benefits for an employee and spouse will increase $35 to $1,656 a month. For aged widow(er)s, the average survivor annuity will increase $16 to $668 a month.

If a railroad retirement annuitant also receives a social security benefit, the increased tier I benefit is reduced by the increased social security benefit. Tier II cost-of-living increases are not reduced by social security increases.

For those beneficiaries covered by Medicare, the basic Part B premium generally deducted from monthly benefits increases to $46.10 in 1995 from $41.10.

Auditor's Report on Finances

As provided for in Article I, Section 68 of the Constitution, the Chairman of the Grand Board of Trustees caused the examination and audit of Grand Lodge financial records for the fiscal year July 1, 1993 to June 30, 1994, by certified public accountants. The firm Brabenec, Tague, Wilkening & Company was again selected for the task.

The audit was completed and submitted to the Grand Board of Trustees on August 26, 1994. Copies were furnished to each Local Lodge and General Committee on October 12, 1994. In a written report the auditors stated:

"In our opinion, the accompanying balance sheet and statements of income and capital and cash flows present fairly the financial position of the Brotherhood of Railroad Signalmen at June 30, 1994, and the results of its recorded transactions and cash flows for the year ended in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year."

GENERAL FUND

Summary Statement of Income, Expenses and Capital

INCOME:		
Per capita tax, initiation fees, dues, donations, refunds	$2,221,883.70	
Sales of supplies, services, books, advertising, subscriptions	17,251.56	
Interest and rental income	218,178.88	
Convention entertainment fund	60,800.00	
Gain on sale of Labor Building	28,343.29	
		$2,546,457.43
EXPENSES:		
Salaries, payroll taxes, insurance	$1,469,672.85	
Travel expenses	323,736.78	
Office expenses	269,042.61	
Association per capita, dues, subscriptions	83,934.21	
Attorney fees, professional services	95,830.59	
Depreciation	68,897.62	
Building expenses	271,944.70	
Meeting expenses	28,927.56	
Signalman's Journal and Update	138,435.46	
Moving expenses	11,063.72	
Allocation to Contingent Fund	72,476.00	
Convention	59,967.27	
		2,893,929.37
NET INCOME (LOSS)		(347,471.94)
CAPITAL -- June 30, 1993		898,340.79
Cancellation of Loan Payable (Note #1)		525,354.53
CAPITAL -- June 30, 1994		$1,076,223.38

CONTINGENT FUND

Summary Statement of Income, Expenses and Capital

INCOME:	
Dividends	$ 1,300.00
General Fund Allocation	72,476.00
NET INCOME	$ 73,776.00
CAPITAL -- June 30, 1993	$3,489,662.33
Cancellation of Loan Receivable (Note #1)	(525,354.53)
CAPITAL -- June 30, 1994	$3,038,083.80

Note #1 - Repayment of the $525,354.53 loan from the Contingent Fund to the General Fund was waived by action of the Forty-Sixth Regular Convention of the Brotherhood of Railroad Signalmen in July, 1994.

BROTHERHOOD OF RAILROAD SIGNALMEN

Balance Sheet
June 30, 1994

ASSETS

CURRENT ASSETS	Combined	General Fund	Contingent Fund
Cash	$ 306,763.58	$ 113,095.97	$ 193,667.61
U.S. Treasury Obligations	1,799,730.06	--	1,799,730.06
Securities - at cost	1,091,956.97	34,884.52	1,057,072.45
Accounts receivable	187,402.48	163,407.46	23,995.02
Accts. Rec.-Contingent	54,711.34	54,711.34	--
Accts. Rec.-General	18,330.00	--	18,330.00
Prepaid Expenses	38,608.31	38,608.31	--
TOTAL CURRENT ASSETS	$3,497,502.74	$ 404,707.60	$3,092,795.14
FIXED ASSETS			
Land, Mt. Prospect, IL	$ 140,000.00	$ 140,000.00	$ --
Building, Mt. Prospect	594,984.00	594,984.00	--
Building Equipment	2,214.30	2,214.30	--
Telephone Equipment	1,506.93	1,506.93	--
Office furniture & equip.	63,321.47	63,321.47	--
TOTAL FIXED ASSETS	$ 802,026.76	$ 802,026.76	$ --
TOTAL	$4,299,529.44	$1,206,734.30	$3,092,795.14

LIABILITIES

CURRENT LIABILITIES			
Accts. Payable-Contingent	$ 18,330.00	$ 18,330.00	$ --
Accts. Payable-General	54,711.34	--	54,711.34
Accounts Payable	10,711.54	10,711.54	--
Accrued payroll taxes	3,069.38	3,069.38	--
Accrued real estate taxes	98,400.00	98,400.00	--
TOTAL CURRENT LIABILITIES	$ 185,222.26	$ 130,510.92	$ 54,711.34
CAPITAL			
General Fund	$1,076,223.38	$1,076,223.38	--
Contingent Fund	3,038,083.80	--	3,038,083.80
TOTAL CAPITAL	$4,114,307.18	$1,076,223.38	$3,038,083.80
TOTAL	$4,299,529.44	$1,206,734.30	$3,092,795.14

Employment Opportunities

AMTRAK is currently seeking qualified applicants to maintain signal/communications systems at various locations throughout a five county area of Southern California.

Positions sought to be filled include: S&C Network Specialists, General Signal Foremen, Signal Inspectors, Signal Maintainers, Signal Foremen, Signalmen, Asst. Signalmen, C&S Field Specialists and Licensed Technicians.

Qualifications include H.S. diploma or G.E.D.; technical school or some college preferred; previous railroad experience in signal/communications maintenance, up to 10 years depending on position and a valid California driver's license.

Interested parties should send a resume to:

AMTRAK Personnel Dept.
Attn: MRP
800 N. Alameda Street
Los Angeles, CA 90012
EOE/M/F/D/V

BRS CALENDAR

January 20

The National Association of Retired and Veteran Railway Employees (NARVRE) will be holding its annual meeting on January 20, 1995 at the Ramada Resort Oceanfront in Daytona Beach, Florida.

There will be an educational and informative program open to anyone on railroad retirement. The meeting will provide current information on railroad retirement pensions.

For additional information and/or reservations contact Jeanne Reeves (813) 426-2454 or Ed Irwin (813) 938-6301.

January 21

BRS Locals 43 and 98 will hold a joint meeting at Elks Lodge in Boone, Iowa. The meeting is scheduled to begin at 10:00 a.m. After the meeting, a Railroad Retirement Board video will be shown. The Locals have also arranged dinner for members and their spouses.

The Locals wish to extend an invitation to other BRS members in the area to stop by.

For additional information please contact D.E. Beck (515) 479-2388 or T.E. Stirling (515) 749-2587 by January 14, 1995.

Labor CALENDAR

December

1 Rosa Parks Day. In 1955, 43-year-old African-American seamstress Rosa Parks boarded a crowded bus in downtown Montgomery, Ala. for the ride home from her job in a department store. There was standing room only in the "Negro" section in the rear, but the weary Parks sat down in front and refused to give up her seat to a white man. The action caused her arrest, triggered a year-long boycott of the city bus system, and led to legal actions which ended racial segregation on municipal buses throughout the southern U.S.

5 The "union of unions" was established on this date in 1955 when the American Federation of Labor (AFL) and the Congress of Industrial Organizations (CIO) merged into a single trade union center—the AFL-CIO. The merger ended a 20-year split in the American labor movement growing out of differences over the form trade union organization should take. The merger recognizes that both craft and industrial unions are appropriate, equal, and necessary as methods of union organization.

6 The Colored National Labor Convention met for the first time in Washington, D.C. in 1869.

8 The American Federation of Labor (AFL) was organized in Columbus, Ohio in 1886 by 25 craft unions.

13 AFL President Samuel Gompers died in 1924 at age 74. One of the labor leader's most famous remarks, in response to the question, "What does labor want?" was: "We want more schoolhouses and less jails, more books and less arsenals, more learning and less vice, more constant work and less crime, more leisure and less greed, more justice and less revenge."

24 The Retail Clerks National Protective Association (RCNPA) was chartered by the AFL in 1888. The RCNPA became the Retail Clerks International Union, which merged with the Amalgamated Meat Cutters and Butcher Workmen of North America to form the UFCW in 1979.

28 The Knights of Labor was founded in 1869. The Knights broadened the labor movement beyond a few skilled trades and reached out to all working men and women. Its goals of equal pay for equal work, abolishing child labor, and the eight-hour day provided a rallying cry for all workers.

Working Safely Around Lead

Working safely around lead not only protects BRS members from becoming lead poisoned, it also protects their families, their communities and the environment as well. Lead exposure does not stop at the work site. When outdoor metal structures which are coated with lead-based paint are repaired, renovated, or demolished, lead particles are created. If these activities are performed over waterways, the potential for water and air pollution is great. Lead can pollute surrounding soil and contaminate nearby communities. Lead can also be brought home to workers' families on dirty work clothes, shoes, skin and hair.

Lead paint has been used for years on bridges, signal cases and other steel structures to prevent rust and corrosion. Contrary to popular belief, its use in industry has not been banned, although it has been greatly decreased in recent years. Today, an estimated 90,000 bridges in the U.S. are coated with lead paint.

It is reasonable to assume that whenever workers disturb the coating on a bridge or other outdoor steels structures, lead particles are created. Numerous studies have documented that workers are exposed to excessive levels of lead when they weld, use a torch for cutting and burning, during grinding, or from abrasive blasting on structural steel coated with lead-based paint. For instance, burning and cutting of lead-coated steel can create air lead levels almost 45 times above the limit allowed by OSHA.

Steps must be taken to control the creation of lead particles and protect the worker and the surrounding environment. There are several strategies which can be used to do this. The best ones are those which control the hazards at the source and prevent the lead from entering the environment. Engineering controls may be successfully used to do this. These controls may include redesigning the job to make it less hazardous, or using ventilation to capture the lead before it enters the environment. Substitution of work tools with ones which create less dust is another method to reduce lead exposure. Controls exist which are not only feasible for construction activities, but are highly effective for reducing the lead hazard.

Worksite Preventive Measures

Work methods which create a lot of dust can be substituted with safer methods.

* Keep the work site as clean and free from lead dust as possible. This reduces the amount of lead dust which can get into the work air and the surrounding environment.

* Prohibit the shoveling or dry sweeping of lead dust, and the use of compressed air to blow dust off of surfaces. These activities put lead dust back into the air where it can be inhaled; they also spread the dust over a larger area. HEPA vacuuming is preferable to these methods. Wet methods are also desirable.

Limiting the amount of time workers spend in a high lead work area is another strategy used to reduce workers' exposure.

Following good hygiene practices protects workers as well as their families. In order to practice good hygiene, the employer must provide a place to wash before lunch or dinner breaks, and before leaving the work site to go home. Showers should be provided. Clean, lead-free eating areas must be available. Drinking, smoking cigarettes or eating food in lead contaminated areas must be strictly prohibited. There must be a clean area where workers can change into and out of work clothes. Lead-contaminated work clothes should never be worn off the work site or taken into the home. It is the employer's responsibility to see that this clothing is properly disposed of or laundered.

Personal Protective Equipment

Personal protective equipment, including respirators, disposable or reusable work clothing, coverings for the hair and over shoes, is a necessary means of reducing exposure and must be used in conjunction with the other controls described. The purpose of protective clothing and equipment is to prevent lead from being inhaled, and to keep workers from becoming contaminated with lead particles. Protective clothing which is removed or disposed of at the work site prevents lead contamination from being brought into the home.

These strategies should be made a mandatory part of any job on the railroad where work on lead painted steel structures is being performed. In fact, OSHA, in its Interim Final Lead in Construction Standard requires employers to use a combination of these controls to reduce workers' lead exposure.

This material was produced under grant number 46C3DT06 from the Occupational Safety and Health Administration, U.S. Department of Labor. It does not necessarily reflect the views or policies of the U.S. Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

Labor History

The Legacy of Karen Silkwood

By Jim Young

Jim Young, a member of OCAW Local 8-149, is Public Affairs Director for the New York Committee for Occupational Safety and Health, a coalition of 250 New York City labor unions.

November 13 marked the 20th anniversary of the death of Karen Silkwood, the union activist who died in a mysterious car crash after blowing the whistle on safety violations at an Oklahoma plutonium plant.

A union member for only three years, Silkwood was nonetheless the embodiment of everything a rank and file activist should be: dedicated, resourceful and courageous in the face of imposing obstacles. Moreover, her story inspired a dramatic change in public opinion about on-the-job hazards – not only in the nuclear industry but in workplaces throughout the country.

She was born in 1946 in Nederland, Texas, where in high school she won a scholarship to Lamar College. But after marrying, she dropped out of school and followed her husband to six different towns in seven years, having three children along the way. When her marriage collapsed in 1972, she traveled on her own to Oklahoma City and took a job as a laboratory analyst in the Kerr-McGee (KM) plutonium plant in Cimarron River, Oklahoma.

Silkwood's job was to cut and check plutonium pellets to be used in the fuel rods of a nuclear reactor KM was building under a $7.2 million contract with Westinghouse and the Atomic Energy Commission (AEC). Like her fellow employees, she received 40 hours on-the-job training but was never told about the cancer-causing health effects of plutonium.

In the fall of 1972, the company attempted to tighten the contract with Local 5-283 of the Oil, Chemical and Atomic Workers (OCAW) union – an open shop with 100 members. The strike that followed became a war of attrition and was lost after three months. The last 20 union members – Silkwood included – returned to work under the same contract KM first offered.

It was a crushing defeat, but it was a watershed event for Silkwood. Taking a stand against an employer, walking the picket line – these events helped forge her resolve to strengthen the union.

By the spring of 1974, plant safety had deteriorated dramatically, and when Silkwood noticed speed-ups on the assembly line, she took notes and interviewed anyone reporting safety violations. Then, while working in the laboratory in July, she became contaminated after being exposed to plutonium-tainted air.

Undaunted, Silkwood's work as a safety activist continued and eventually helped her win a seat on the local steering committee. Almost immediately she played a lead role in the local's successful effort to defeat an attempt by a fellow worker to decertify the union. The victory was achieved largely because Silkwood and other leaders brought in experts to talk to workers about the health effects of plutonium.

At the same time, she revealed to OCAW staff members that KM was tampering with quality assurance records. Silkwood said the records were doctored to mask imperfections in fuel rods – faults that could potentially lead to an explosion in a reactor.

She then secretly collected documentation of falsified records, which she was to deliver to an OCAW staff member and a *New York Times* reporter. The subsequent media coverage would be used to put the company in a corner just as bargaining began in November.

But Silkwood never made the delivery. On November 13, 1974, as she drove to the meeting, her car went off the road and she was killed.

Although a private investigator reported a suspicious dent indicating her car may have been forced off the road, the Oklahoma State Highway Patrol treated the case as an accident. The OCAW responded by successfully demanding an FBI investigation, but six months later the bureau concluded there was insufficient evidence to prove the union's allegations.

The case was closed in spite of inconsistencies in police reports and KM testimony, as well as numerous other disturbing facts. For example, the *New York Times* reported that more than 60 pounds of plutonium – worth millions on the black market – was missing from KM's Cimarron plant in 1974.

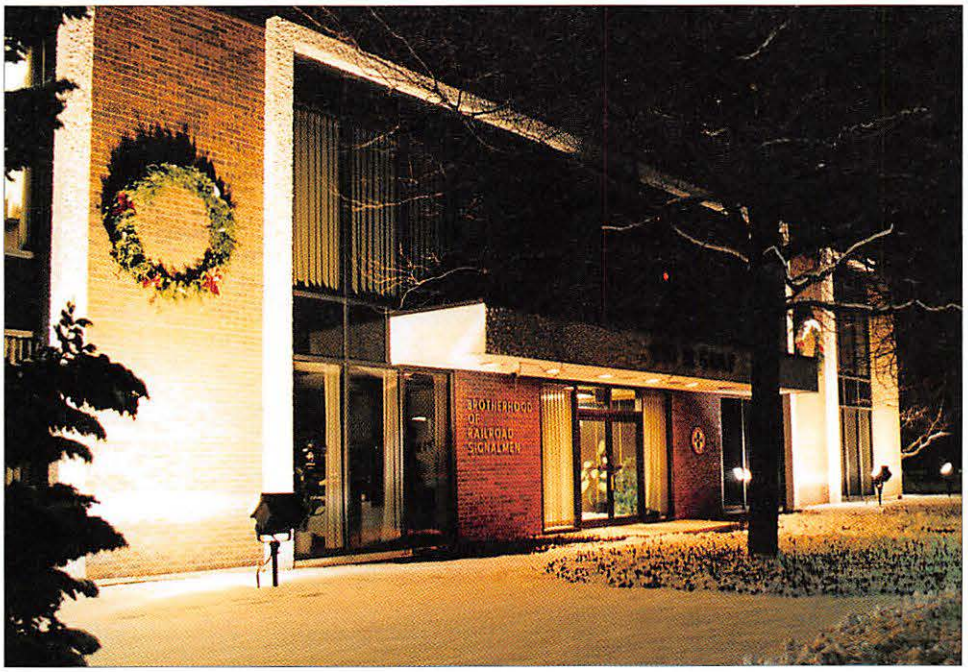
To many, it appeared the FBI and KM had colluded to quash the case.

A widely publicized personal injury trial followed, with Silkwood's estate claiming that she was contaminated by plutonium that ended up in her refrigerator and other places in her apartment. It took 10 years, but KM finally agreed to pay $1.38 million.

Although the case remains unsolved, it became a rallying point for the anti-nuclear movement in the United States. During the late 1970s, the public outcry and official criticism of the nation's nuclear industry was everywhere, with almost daily adverse reports on radiation.

Today, Silkwood's legacy is one of strength, courage and conviction, and of an individual life invested in the fight to defend the rights of her fellow workers. The history of organized labor is not the story of a few great leaders, it is the story of thousands of working men and women who, like Silkwood, were committed not to personal gain, but to the struggle for dignity and basic rights – including the right to a safe job.

Seasons Greetings



From The Officers And Staff Of Grand Lodge

1994 Photo Contest Winners

Entries submitted by Signalmen from Amtrak, Southern Pacific and CSX have been selected as the winning photos in the eleventh annual Signalman's Journal Photo Contest. The three winning entries, presented on this page, were also featured in previous issues of the Journal. Each of the winning entrants will be awarded a $100 U.S. Savings Bond.

The first winning entry, submitted by Local 48 member **T.H. Payne,** appeared in the February Journal. Brother Payne's photo is an Amtrak passenger train passing through an interlocker at Wilmington, Delaware. Brother Payne has 17 years of service with Amtrak, and currently works the position of "Daylight Trouble Truck Maintainer" between Philadelphia and Wilmington. Tom enjoys hunting and photography, and says his specialty is wildlife photography. Tom and his wife reside in Wilmington, Delaware.

The second winning entry, submitted by Local 152 member **J.D. Copple,** appeared in the April Journal. Brother Copple's photo was taken in Portland and shows a Southern Pacific steam train making its way to the Oregon State Fair. Brother Copple has 21 years of service with the Southern Pacific and currently holds a Lead Signalman's position. J.D. says he enjoys traveling and photography. J.D. and his wife reside in Canby, Oregon.

The third winning entry, submitted by Local 137 member **H.L. Ethridge,** appeared in the April Journal. Brother Ethridge's entry shows Signalmen T.W. Adams and J.L. Tucker mounting a 2N signal on a newly set signal foundation in Atlanta, Georgia. Brother Ethridge has 25 years of service with CSX and works as a System Signal Construction Gang Foreman. Leroy says he enjoys hunting, fishing and photography. Leroy and his wife Barbara reside in Arrington, Tennessee.

The Journal congratulates the winners in the 1994 contest, our eleventh annual photo competition for BRS members. The Journal also thanks the many Signalmen who took the time and effort to provide the excellent photos that have appeared in the magazine throughout the year.

The Signalman's Journal Photo Contest will return in 1995. Information, rules and an entry form for the Twelfth Annual Photo Contest are provided on the following page.

*2nd place photo - **J.D. Copple***

*1st place photo - **T.H. Payne***

*3rd place photo - **H.L. Ethridge***

1995 Photo Contest Will Be 12th Annual

The Signalman's Journal will conduct its Twelfth Annual Photo Contest during 1995, accepting entries of signal-related photographs from Brotherhood members for publication in the Journal and judging in the popular contest.

The Journal will again award three $100 U.S. Savings Bonds to the winners selected in 1995.

The Journal encourages members to submit photographs which feature signal equipment or Signalmen working at their craft. All entries must include some element of signal equipment or signal work. Photographs of Signalmen at work will be considered for entry in the contest only when the photographs depict proper safety equipment (for example: hard hats, eye protection, or other necessary safety gear) and other generally recognized safe work practices.

The contest rules for 1995 are as follows:

1. Photographs should be color and no smaller than 3x5 size. Negatives or Polaroid photos will not be considered. There is no limit on the number of entries.

2. Photographs must include some element of signal work or signal equipment. This can include Signalmen working or signal equipment of any kind incorporated into a scene.

3. The final date for receipt of photographs for consideration in the 1995 contest will be September 1, 1995. Early entries are encouraged. All entries will be considered for publication in *The Signalman's Journal.*

4. All photographs submitted will be considered property of *The Signalman's Journal.*

5. Photographs entered in the contest must be accompanied by the full information specified on the entry form. Information must include the name, address and phone number of the photographer; the identification of any individuals in the photo (i.e., name, title, local); photo location and the name of railroad involved.

6. Participants may include additional information on a separate sheet of paper. **Please DO NOT write on the back of photographs.** Be sure each entry is clearly identified when sending more than one entry.

7. This contest is open only to active and retired members of the Brotherhood of Railroad Signalmen.

8. Mail all entries to:

THE SIGNALMAN'S JOURNAL
BOX U
MOUNT PROSPECT, IL 60056-9048

ENTRY FORM—1995 PHOTO CONTEST

Name _____

Local _____

Mailing Address:

Street or Box _____

City _____ **State** ___ **Zip** _____

Phone ( ) _____

R.R. Employer _____

Job Title _____

Photo Location _____

Photo Description _____

_____

_____

_____

_____

_____

_____

_____

_____

Continuous Membership

The Brotherhood of Railroad Signalmen, in recognition of BRS members' contributions to the Signalman's craft and their dedication to the principle of trade unionism, has established a Continuous Service program to honor longtime BRS members. Continuous service lapel pins are presented to members every five years, beginning with their 25th year of membership.

The following is a list of the members who recently received Continuous Service pins in recognition of their years as BRS members:

40 Years of Service

LS Bailey	92
TD Diven	65
JF King	227
WH Peters	143
AL Platt	16
SD Schaeffer	103
WL Vogt	103

35 Years of Service

GW Brittain	173
MT Burke	155
JA Cafiero	60
JW Donnelly	77
CE Frimel	81
JR Johnstone	43
EA Kidd	121
EH Kleinschmidt	154
E Lambert	161
CR Meyer	126
CR Rampy	110
DF Schuette	39
F Wells	228
LR Wilson	108

30 Years of Service

JD Adams	8
LW Burns	104
JT Decker	65
LE Doll	103
RD Elrod	141
EF Elzy	227
JT Eminger	68
LR Farlin	103
GL Gilsinger	45
T Gonzales	153
JM Howard	33
BJ Ives	72
CJ Jacob	194
RL Lyle	198
KR Magnett	8
RE Nickerson	14
JJ Platek	18
JL Potate	49
CE Raxsdale	141
FA Smith	8
JD Smith	188
DC Stuckey	43
DB Thwaites	58
GE Waggoner	3
DR Wilson	53
AJ Wright	119

25 Years of Service

LC Adkins	77
GC Artrip	2
JN Bales	52
KE Bartley	16
JL Blackwood	137
AW Blecha	161
EG Brooks	174
DE Bullington	185
RL Burden	19
JL Clark	206
FE Clawson	31
MJ Clayson	24
LE Cochran	103
EA Cole	45
RK Culley	188
MD Deener	33
FJ Favio	123
BM Fitzpatrick	33
SN Flem Jr	58
MD Fucci	56
EE Gay	120
JO Green	16
DL Gumfory	72
JR Higgins	55
WW Holland	162
KL Hunter	153
LL Hust	154
DM Jobe	29
JD Kearney	76
FW Kenney	56
R King	11
C Kocian	130
PE Komanski	183
TL Lansford	161
JJ Little	129
ME Lorenz	3
TB Luna	99
RR Marquiss	56
JM Matthews	116
EF McGrath	188
DJ Meech	154
CA Metcalf	110
M North	119
CR Paden	
JD Pearson	116
JK Puff	33
AN Reece	77
RE Rice	80
LA Sallen	20
RD Schneider	14
G Shellick Jr	26
RW Shults	72
RR Siders	43
DL Springer	206
PH Stender	143
LR Swan	117
RH Tucker	179
PF Tym	56
G Van Zanten	56
DR Vineyard	111
FL Voie Jr	188
WR Wheelwright	160
HD Williams	179
MP Williams	16
WV Williams	179
HC Witt	188
DJ Zimmerman	43

FELA Directory - BRS Counsel

When Signalmen suffer a work-related injury or illness, BRS members or their families are encouraged to determine their rights and benefits under the Federal Employers' Liability Act before agreeing to any settlement with the railroad employer. The Brotherhood of Railroad Signalmen has designated the attorneys listed in this directory to serve as qualified counsel for BRS members in employee injury cases covered by FELA.

Attorneys are listed by state and are designated to serve BRS members living or working in the general region of their offices. Designation of FELA counsel is by authority of the BRS Executive Council only.

BRS members are encouraged to provide information regarding FELA cases, including criticism or commendations regarding the service of designated counsel, and information on injuries and settlements. This information, which will be used in the continuing evaluation of this program, should be sent to W. D. Pickett, President, Brotherhood of Railroad Signalmen, Box U, Mount Prospect, IL 60056-9048.

***Bold** print denotes additions or changes since the last issue of the Journal.*

ALABAMA

Clarence M. Small, Jr.
1700 Financial Center
505 N. 20th St.
Birmingham, AL 35203-2607
Tel. (205) 328-8141
800-821-2994 (AL), 800-223-6159

CALIFORNIA

James F. Gilwee
700 E Street
Sacramento, CA 95814-1209
Tel. (916) 441-2980
800-345-2889 (CA), 800-445-2889

Jay A. Kaplan
5909 W. 3rd St.
Los Angeles, CA 90036
Tel. (213) 930-2744, 800-552-7526

CALIFORNIA (Cont.)

Frederick L. Nelson
414 - 13th St.
Oakland, CA 94612-2603
Tel. (510) 451-6732
800-448-7575 (CA), 800-447-7500

COLORADO

John J. Rossi
12203 East 2nd Ave.
Denver, CO 80011-8399
Tel. (303) 366-3501
800-421-6859 (CO), 800-325-4014

ILLINOIS

Frank W. Petro
310 S. Michigan Ave., Suite 2000
Chicago, IL 60604
Tel. (312) 362-9596, 800-472-5729

KANSAS

Payne H. Ratner, Jr.
444 North Market
P.O. Box 306
Wichita, KS 67201-0306
Tel. (316) 262-6423, 800-876-6423

MASSACHUSETTS

Robert T. Naumes
60 State St.
Boston, MA 02109
Tel. (617) 227-8444
800-431-4600

MINNESOTA

Robert N. Stone
565 Northstar East,
608 Second Ave. South
Minneapolis, MN 55402
Tel. (612) 339-4511, 800-328-4340

MISSOURI

Daniel Sawyer
106 West 14th St., 25th Floor
Kansas City, MO 64105-1992
Tel. (816) 221-5666, 800-821-5257

Drew C. Baebler
Suite 520
900 Walnut Street
St. Louis, MO 63102
Tel. (314)-241-7700, 800-682-4529

NEW MEXICO

Jay Thomas Youngdahl
1776 Montano Road N.W., Bldg. 2
Albuquerque, NM 87107
Tel. (505) 345-1771
800-256-8072

NEW YORK

Ira M. Maurer
122 E. 42nd St., Suite 1515
New York, NY 10168-0132
Tel. (212) 986-4921

OHIO

James B. Blumenstiel
261 W. Johnstown Rd.
Columbus, OH 43230
Tel. (614) 475-9511
800-346-5728 (OH)
800-346-5729

Harold S. Stern
1400 Renaissance Center
1350 Euclid Avenue
Cleveland, OH 44115
Tel. (216) 781-1700, 800-321-1700

OREGON

Monte Bricker
1300 American Bank Building
621 S.W. Morrison St.
Portland, OR 97205-3816
Tel. (503) 226-1151, 800-547-8811

PENNSYLVANIA

Joseph A. Coffey, Jr.
Two Bala Plaza, Suite 718
Bala Cynwyd, PA 19004
Tel. (215) 668-9800
800-336-2500 (PA), 800-334-2500

Paul Moses
1311 Frick Building
Pittsburgh, PA 15219
Tel. (412) 471-3740

TEXAS

Weldon Granger
10000 Memorial Dr., Suite 888
Houston, TX 77024
Tel. (713) 668-0230
800-392-0620 (TX)
800-231-3359

UTAH

Brent O. Hatch
10 West Broadway, Suite 750
Salt Lake City, UT 84101
Tel. (801)-532-7840, 800-574-6310

VIRGINIA

Willard Moody, Sr.
Commerce Bank Building, Suite 300
500 Crawford Street
P.O. Box 1138
Portsmouth, VA 23705
Tel. (804) 393-4093, 800-368-1033

Eddie W. Wilson
1294 Diamond Springs
P. O. Box 5369
Virginia Beach, VA 23455
Tel. (804)460-7776, 800-752-0042

WASHINGTON, D.C.

Larry Mann
400 North Capitol St. N.W., Suite 851
Washington, DC 20001
Tel. (202) 298-9191, 800-747-6266

CLOTH EMBLEM of BRS logo has white letters with red and black border, steam and diesel locomotives and green-over-red searchlight signal. Ideal for hats and jackets!

COASTERS are 3-inch diameter plastic with full-color BRS logo.

BRS MASTER NATIONAL AGREEMENT BOOK contains the basic provisions of national agreements negotiated with U.S. railroads and the BRS. The loose-leaf binder with 2-inch rings makes it easy to update or add additional materials, such as local agreements.

RS&I—HOURS OF SERVICE MANUAL contains vital information that every signalman should know about the federal regulations governing the Rules Standards and Instructions of Signal and Train Control Systems. The Hours of Service Act is included with an explanation and interpretation of the Act as prepared by the FRA. This manual is printed and distributed by the BRS for BRS members.

SIGNAL TRAINING COURSE as developed by Canadian National Ry., is used in signal training programs by many U.S. railroads. This modern premier training manual contains 4 volumes and 31 sections in one 3-inch binder. (copyrighted)

HISTORY OF THE BRS, *"THE FIRST 75"* as written by the late A. E. Lyon, who was BRS president 1934-1945. Contains the Brotherhood's history from its formation in 1901 through 1976. BRS members will enjoy reading about their Brotherhood's history and development.

NEW! BELT BUCKLE made of solid brass with BRS logo.

NEW! KEY TAGS made of solid brass with BRS logo and bound leather backing.

LAPEL PIN/TIE TACK has the BRS searchlight signal logo with outline and letters in gold. 5/8" in diameter. Makes an ideal hat pin!

DECALS have the BRS searchlight logo and are available in two diameter sizes - 2" & 4". The 2" decals have a **reflective** image of the BRS searchlight signal and are the perfect size for hard hats. The 4" decals have a **non-reflective** image of the BRS searchlight signal and are the perfect size for windows and bumpers. These pressure-sensitive decals are long-lasting and easy to apply.

GOLF CAPS have the BRS cloth colorlight emblem stitched to the front. Made of medium-weight cotton, they have an adjustable head band and come in three attractive colors.

GOLF SHIRTS are made of a cotton/polyester blend and have the BRS colorlight logo embroidered in red and green. These comfortable shirts have a right hand breast pocket and are available only in white and in men's sizes.

WINDBREAKERS made of light-weight red nylon, have the cloth BRS colorlight emblem, two slash pockets, elastic wrist band and a bottom drawstring.

SPORTS STYLE JACKETS have a medium-weight polyester/cotton blend shell with a nylon lining, elastic wrist and waist bands. Embroidered four-color BRS emblem. Available in light grey only.

Minimum order accepted is $15.00 (U.S. Funds)

Make check or money order payable to:

Brotherhood of Railroad Signalmen

Mail payment and order to:

Brotherhood of Railroad Signalmen
Box U
Mount Prospect, IL 60056-9048

NAME _____

CERTIFICATE NUMBER _____

STREET _____

CITY _____

STATE / ZIP _____

The

Signalman's Store

ORDER FORM

Please send me the following:

Item		Quantity Ordered	Price Each	Total $
Cloth Emblems			**$ 1.50**	
Coasters			**.35**	
BRS Master National Agreement (loose-leaf binder)			**10.00**	
RS&I—Hours of Service Manual			**2.50**	
Signal Training Course CN Edition — 4 volumes with binder			**50.00**	
History of the BRS *"The First 75"*			**10.00**	
Belt Buckle			**12.00**	
Key Tags			**7.00**	
Lapel Pin / Tie Tack			**4.50**	
Ref. Decals	2-inch		**.25**	
Non-Ref.Decals	4-inch		**.20**	
Golf Caps	Black		**6.00**	
	Red		**6.00**	
	Grey		**6.00**	
Golf Shirts	Med.		**19.00**	
	Large		**19.00**	
	X-Lg.		**19.00**	
Wind-breakers	Small		**20.00**	
	Med.		**20.00**	
	Large		**20.00**	
	X-Lg.		**20.00**	
Sports Style Jackets	Med.		**45.00**	
	Large		**45.00**	
	X-Lg.		**45.00**	
	XX-Lg.		**45.00**	
TOTAL AMOUNT ENCLOSED				

BRS BENEFITS DIRECTORY

Where to file claims for all Travelers Insurance policies except Plan D:

	Residents of:	
The Travelers P.O. Box 2511 Augusta, GA 30903- 2511 1-800-842-5252	Connecticut Delaware Dist. of Columbia Florida Georgia Maine Maryland Massachusetts New Hampshire New Jersey	New York North Carolina Pennsylvania Puerto Rico Rhode Island South Carolina Vermont Virginia West Virginia
The Travelers P.O. Box 1200 Lansing, IL 60438- 0965 1-800-842-5252	Illinois Indiana Iowa Kentucky Michigan Minnesota	North Dakota Ohio South Dakota Tennessee Wisconsin
The Travelers P.O. Box 30985 Salt Lake City, UT 84130-0985 1-800-842-5252	Alaska Arizona California Hawaii Idaho Montana	Nevada Oregon Utah Washington Wyoming
The Travelers P.O. Box 660145 Dallas, TX 75266- 0145 1-800-842-5252	Alabama Arkansas Colorado Kansas Louisiana Mississippi	Missouri Nebraska New Mexico Oklahoma Texas

Where to file claims for Travelers Plan D (Under Policy GA-23111):

	Residents of:	
The Travelers P.O. Box 10066 Augusta, GA 30903- 2511 1-800-833-4455	Alabama Connecticut Delaware Dist. of Col. Florida Georgia Illinois Indiana Kentucky Maine Maryland Massachusetts Michigan Mississippi	NewHampshire New Jersey New York North Carolina Ohio Pennsylvania Puerto Rico Rhode Island South Carolina Tennessee Vermont Virginia West Virginia
The Travelers P.O. Box 30050 Salt Lake City, UT 84130 1-800-833-4455	Alaska Arizona Arkansas California Colorado Hawaii Idaho Iowa Kansas Louisiana Minnesota Missouri Montana	Nebraska Nevada New Mexico North Dakota Oklahoma Oregon South Dakota Texas Utah Washington Wisconsin Wyoming

Travelers Policy GA-23000
Patient Advocate Program:
1-800-842-4555

Travelers Silent Witness Program -
To report suspected billing fraud:
1-800-666-FRAUD

Mental Health and Substance Abuse Benefits

For treatment, claims or inquiries call:

Value Behavioral Health (VBH)
800-934-7245
(800-934-RAIL)

Supplemental Sickness Benefits under Group Policy No. R-5000:

Where to file claims:

Provident Insurance Co.
Group Claims - Franchise Division
P.O. Box 182526
Chattanooga, TN 37402
1-800-542-4231
Fax: (615) 499-3429

Dental Benefits under Group Policy No. GP-12000:

Where to file claims:

Aetna Life Insurance Company
P.O. Box 120
Grand Rapids, MI 49501-0120
(616) 942-6400

Prescription Drug Benefit:

$2.00 co-payment for generic $6.00 co-payment for brand name prescriptions up to 30 days at more than 30,000 participating pharmacies. $5.00 co-payment for mail order prescriptions up to 90 days. Available to members covered under Travelers plans GA-23000, GA-23111 Plan D, and GA-46000.

National Rx
1-800-842-0070

If your pole lines are showing their age, or if you're spending a fortune on leased telephone lines for supervisory communications, the new Safetran R/LINK™ Radio Code Line System is just what you need.

It offers a high-speed, *wireless* link between your central office and trackside locations. It avoids radio frequency availability problems because it can use ATCS frequencies and compatible protocol. And because it understands any standard digital data code, format or protocol, it works with your existing supervisory and wayside control systems.

Best of all, our R/LINK delivers a high return on investment. And R/LINK isn't just an idea on somebody's drawing board—it's a fully functional system that you can buy right now.

Phone or write today for more information. And enjoy reliable, cost-efficient data communications with our R/LINK Radio Code Line System.

Safetran Systems

Safetran Systems Corporation • 4650 Main Street N.E. • Minneapolis, MN 55421 • 612/572-0466 • FAX: 612/572-2641

UPDATE: R/LINK™ is now more affordable & easy to install
—Since R/LINK protocol and programmable code line configurations are built into Motorola®/Safetran MCP radio

How we've solved the data communications problem without handing you the same old lines.